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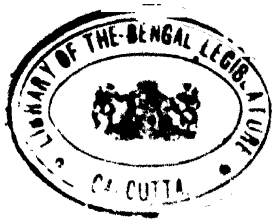

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THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

(Official Report of the Third Session.)

Volume LII—No. 3.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 1st March 1938, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, eleven Hon'ble Ministers and 216 members.

STARRED QUESTIONS

(to which oral answers were given)

Mymensingh-Tangail Road.

***79. Mr. AMRITA LAL MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact—

(*i*) that the Mymensingh-Tangail Road in the district of Mymensingh has been taken up on the recommendation of the Road Board for some years;

(*ii*) that some improvement in the shape of construction of new bridges only has been made between Mymensingh and Kalihati; and

(*iii*) that further improvement has been stopped altogether and nothing is being done to improve the portion of the same road between Kalihati and Tangail?

(*b*) When does the Hon'ble Minister expect that work between Kalihati and Tangail will begin?

(*c*) Is the Hon'ble Minister aware—

(*i*) that this delay is causing a great hardship to the travelling public; and

(*ii*) that owing to the Road Board taking up this project the District Board also cannot make any improvement?

(*d*) Are the Government doing all that they can to hasten the completion of the scheme?

(*e*) Is the Hon'ble Minister aware that the Tangail-Nagarpur Road in the Mymensingh district has also been proposed to be taken up by the Road Board?

(*f*) If so, when do the Government expect the work to begin in that road?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (*a*) (*i*) Yes, in respect of bridging only.

(*ii*) Yes.

(*iii*) The Government of India originally sanctioned Rs. 5 lakhs for bridging the road between Kalihati and Tangail. As this amount is not sufficient for the whole length of this portion of the road, revised proposals have been sent to the Government of India for financing the project.

(*b*) The actual work will be taken up as soon as the approval of the Government of India is obtained and detailed plans and estimates which are now under preparation are sanctioned by this Government.

(*c*) (*i*) The want of bridges has been keenly felt in the past. The bridges when constructed will remove this hardship.

(*ii*) It is beyond the means of the District Board to construct the bridges out of their own funds without raising a loan.

(*d*) Yes.

(*e*) No.

(*f*) Does not arise.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state in which year this work was begun and when do the Government expect to finish it?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I am sorry I cannot give the exact year without notice but as I have said in my reply to (*b*) it will be taken up immediately after the sanction of the Government of India as well as of this Government is received.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state how much money was given this year and in previous years from the Road Board Fund?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I want notice.

Pay of dafadars and chaukidars.

***80. Maulvi MUHAMMAD ISRAIL:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that the District Magistrate of Mymensingh has recently issued a circular to the union boards of the district—

(*i*) that the salary of the *chaukidars* should be raised from Rs. 6 a month to Rs. 8 a month; and

(*ii*) that the salary of the *dafadars* from Rs. 8 a month to Rs. 10 a month?

(*b*) Will the Hon'ble Minister be pleased to state whether this has been done after considering the views of the Union Boards?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the names of the Union Boards consenting to the aforesaid rates?

(*d*) Has the District Magistrate received any letter of protest from the Secretary, Union Board Association, Kishoreganj, Muslim Association, Kishoreganj, and other public bodies of the district on the proposed rate?

(*e*) Is the Hon'ble Minister aware that the enforcement of these rates will necessitate the enhancement of the union rates considerably in these hard days?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Syed Nausher Ali): (*a*) (*i*) and (*ii*) There were two grades of pay for *dafadars* and *chaukidars* in the district of Mymensingh, viz., for *dafadars*—Rs. 10 and Rs. 8, and for *chaukidars*—Rs. 8 and Rs. 6.

It appears that some time ago the higher rates of pay for *dafadars* and *chaukidars* were reduced from Rs. 10 and Rs. 8 to Rs. 8 and Rs. 6, respectively. Thus the pay of *dafadars* and *chaukidars* was fixed at a uniform level of Rs. 8 and Rs. 6 throughout the district including the Bajitpur circle. The present District Magistrate has by a recent order introduced the following scales of pay for them, viz.—

Dafadars—Rs. 8—9—10.

The increment from Rs. 8 to 9 has to be earned after 3 years' satisfactory service and from Rs. 9 to 10 after a further 4 years' satisfactory service.

Chaukidars—Rs. 6—7—8.

Increments have to be earned in the same way as in the case of *dafadars*.

From the 1st Baisakh, 1345 B.S., the *dafadars* and *chaukidars* who have rendered 3 years' satisfactory service will be paid Rs. 9 and Rs. 7, respectively, in those unions where prior to reduction the rate of pay was Rs. 10 for *dafadars* and Rs. 8 for *chaukidars*. In other unions the increase will take place after a further period of two years.

(*b*) and (*c*) The Subdivisional Officers consulted a large number of Union Boards. The majority of these Union Boards and the District Union Board Association consisting of representatives of Union Boards in the district have agreed to the proposal. The Union Boards of Sarishabari and Pingna have actually moved for the restoration of the higher scale of pay, viz., Rs. 10 and Rs. 8, respectively, for *dafadars* and *chaukidars*

(*d*) The District Magistrate has received a letter of protest from the Union Board Association, Kishoreganj, and a deputation on behalf of the Sadar Union Board Association waited upon him in regard to this matter.

(*e*) The enforcement of these rates may necessitate an enhancement of assessment.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state what is the average pay of Chaukidar and Dafadar in Bengal?

The Hon'ble Mr. SYED NAUSHER ALI: It is very difficult for me to answer.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state that the increment which is going to be made in the district of Mymensingh is due to their efficiency or something else?

The Hon'ble Mr. SYED NAUSHER ALI: I have nothing more to add to what I have already said.

Mr. NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if the District Magistrate has consulted Government in this matter and if Government accorded their sanction or approval to it?

The Hon'ble Mr. SYED NAUSHER ALI: The law is quite clear on this ponit. It is the statutory duty of the District Magistrate to fix the salary of chaukidars and dafadars in consultation with the Union Boards concerned.

Mr. NAGENDRA NATH SEN: My question was a question of fact, i.e., whether Government were consulted or not.

The Hon'ble Mr. SYED NAUSHER ALI: I think by implication I have already replied. The law is explicit—the District Magistrate never consults the Government.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state who is the final authority in fixing the rate of pay of the Chaukidars and Dafadars?

The Hon'ble Mr. SYED NAUSHER ALI: The District Magistrate.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state the name of the Union Boards in the Kishoreganj subdivision that were consulted in increasing the pay of the chaukidars and dafadars?

The Hon'ble Mr. SYED NAUSHER ALI: I ask for notice.

Khan Sahib HAMIDUDDIN AHMAD: Will the Hon'ble Minister be pleased to state the source of his information that the majority of the Union Boards and the District Union Board Association consisting of representatives of Union Boards in the district have agreed to the proposal?

The Hon'ble Mr. SYED NAUSHER ALI: The report of the District Magistrate.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether it is a fact that the chaukidars are to do more police work than civil work?

Mr. SPEAKER: That question does not arise.

Mr. SYED JALALUDDIN HASHEMY: In view of the fact that the amount of Rs. 8 is insufficient to maintain a family, will the Hon'ble Minister be pleased to state whether he is prepared to increase the scale of pay of Dafadars in future?

Mr. SPEAKER: Order, order; that question does not arise.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state if the enhancement of further assessment will cause hardship?

Mr. SPEAKER: That is a matter of opinion.

Mr. KSHETRA NATH SINGHA: Will the Hon'ble Minister be pleased to state if it is in the contemplation of Government to enhance the salary of dafadars and chaukidars in every district?

The Hon'ble Mr. SYED NAUSHER ALI: Nothing of the sort is under the contemplation of Government. The law is there and it is the statutory duty of the District Magistrate to fix the pay of the chaukidars and dafadars in consultation with the Union Boards concerned.

Mr. KSHETRA NATH SINGHA: Will the Hon'ble Minister be pleased to state whether Government are going to contribute some portion of the money that will be paid to the chaukidars and dafadars?

The Hon'ble Mr. SYED NAUSHER ALI: I think I replied to this question some time ago in this very House that it is not under the contemplation of Government.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state if the Government received any letter of protest from other public bodies except the Kishoreganj Union Board Association?

The Hon'ble Mr. SYED NAUSHER ALI: I ask for notice.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if a uniform policy is going to be adopted by Government in the matter of fixing up the pay of the Chaukidars and Dafadars throughout the Province?

The Hon'ble Mr. SYED NAUSHER ALI: So long as the present law is there, the Government are absolutely helpless in the matter.

Burdwan Road.

*81. **Mr. HARENDRA NATH DOLUI:** Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) the approximate time when the construction of the proposed Trunk Road (called the Burdwan Road) from Uchalan (in the Burdwan district) to Midnapore will begin; and

(*b*) the names of the villages in police-station Chandrakona (in the Ghatal subdivision), through which the said road will pass?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Nothing can be said until the comprehensive programme of road development in Bengal has been received from the Special Officer, Road Development Projects, and considered by Government.

Appointment of officers under the Rural Indebtedness Department.

*82. **Mr. RASIK LAL BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) the number of officers (special or ordinary) appointed by the Government under the Rural Indebtedness Department within the last 3 months; and

(*ii*) whether these posts were advertised?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative—

(*i*) what is the text of the advertisement; and

(*ii*) where was it published?

(*c*) How many persons so appointed were—

(*i*) caste Hindus,

(*ii*) Muslims,

(*iii*) Scheduled Castes; and

(*iv*) other minorities?

(*d*) What are the names of the persons so appointed with their respective—

(*i*) caste;

(*ii*) home addresses;

(*iii*) qualifications; and

(*iv*) age at the time of appointment?

(*e*) Was any of them in any service at the time of appointment?

(*f*) If so, in what service?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) (*i*) 52.

(*ii*) No.

(*b*) Does not arise.

(*c*) (*i*) 17.

(*ii*) 24.

(*iii*) 8.

(*iv*) 3.

(*d*) A statement is placed on the Library table.

(*e*) Yes; 8 of them.

(*f*) Two assistants in the office of the Director-General of Commercial Intelligence and Statistics.

Two peripatetic lecturers in schools in Midnapore.

One propaganda officer of the jute restriction scheme in Bogra.

One temporary assistant of the Co-operative Credit and Rural Indebtedness Department.

One assistant in the office of the Controller of Examinations, Calcutta University.

One clerk, Traffic Accounts Office, Howrah.

Mr. PRAMATHA RANJAN THAKUR: With reference to answer (*d*), will the Hon'ble Minister be pleased to state if candidates Monoranjan Mullick and Bonomali Roy are intimately related to the Hon'ble Minister?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: None whatsoever.

Mr. SPEAKER: The question does not arise.

Mr. RASIK LAL BISWAS: Will the Hon'ble Minister be pleased to state if, out of the eight scheduled castes members appointed, it is a fact that five come from Khulna and only one of them is a Namasudra?

Mr. SPEAKER: The question has been answered once before.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the reasons for not advertising the posts?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I answered this question at the last session. In case of temporary vacancies, there are no rules for advertisement: An advertisement was therefore not necessary.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if these appointments were referred to the Public Service Commission?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: No, Sir.

Dr. NALINAKSHA SANYAL: Is it a fact that there are a number of persons in the list who are related to the Hon'ble Minister?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Not at all.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there is one member who has been appointed and who is now at Dinajpur, who gave his address as "c-o the Hon'ble Minister" before he applied?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of this.

Mr. RASIK LAL BISWAS: Will the Hon'ble Minister be pleased to state if one Kshitish Chandra Roy who has been appointed, was an Assistant Sub-Inspector of Excise?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not know that. I do know that he was a candidate at the last Bengal Civil Service examination and also qualified as such.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state why people already in Government service were appointed to this service?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: These gentlemen applied, they were interviewed and it was left to their choice whether or not they would take up the service.

Dr. NALINAKSHA SANYAL: How can they know of this thing, if there were no advertisement?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: There were, Sir, several hundreds of applications.

Mr. RASIK LAL BISWAS: Is it a fact that most of the persons who were appointed were drawing a salary of less than Rs. 50 per month?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware.

Mr. RASIK LAL BISWAS: Is it a fact that of the eight persons appointed from the scheduled castes, five come from Khulna?

Mr. SPEAKER: That question has been answered once before.

Steps for combating malaria and tuberculosis.

*83. **Rai HARENDRA NATH CHAUDHURI:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) what steps have been taken since the present Government came into office; and

(*b*) what steps the present Government further contemplate taking for controlling—

(*i*) malaria, and

(*ii*) tuberculosis

in the province?

The Hon'ble Mr. SYED NAUSHER ALI: The problem of combating malaria and tuberculosis in the province has been engaging the serious attention of the present Government since it came into office. The following steps have already been taken:—

A. Malaria.—(1) The Government grant for free distribution of Quinine has been increased.

(2) The District Boards have been asked to prepare and submit anti-malaria schemes and such schemes as have been submitted are under consideration of the Public Health Department.

B. Tuberculosis.—The grant to the Tuberculosis Association for propaganda and educative work has been increased.

A comprehensive programme for combating malaria with a view to securing lasting results and continuous progress is under the consideration of Government. An anti-tuberculosis scheme on comprehensive lines is also under examination.

Dr. SURESH CHANDRA BANERJEE: Will the Hon'ble Minister be pleased to state whether want of sufficient nutrition is largely responsible for the rapid increase of malaria in Bengal in recent years?

The Hon'ble Mr. SYED NAUSHER ALI: That is a question of opinion, Sir, and it is very difficult for me to answer it.

Khan Bahadur MUHAMMAD ALI: Will the Hon'ble Minister be pleased to state what is the amount of the increased grant?

The Hon'ble Mr. SYED NAUSHER ALI: Sir, the increase in the grant last year that is for 1937-38, for quinine was Rs. 60,000 and for next year, I mean, for 1938-39, we have made a provision for 4 lakhs for distribution of quinine which is equivalent to an excess of Rs. 2,60,000 over the normal grant.

Then as regards the anti-malarial scheme, the normal grant was Rs. 80,000; during the current year it was increased by Rs. 37,000 and this year's grant comes up to Rs. 3,38,000.

So far as tuberculosis is concerned, we have provided in the next year's budget an amount of Rs. 33,300 for a tuberculosis survey of the province; and for courses of training in tuberculosis work for medical and health officers—Rs. 5,000; the grant to the Tuberculosis Association has not been increased and it is exactly the same as it was. Last year there was an increase. Provision of Rs. 15,000 has been made for grant to Sadar Hospitals for providing better nursing and treatment of tubercular patients. The grant to the Jadavpur Tuberculosis Hospital is Rs. 1,36,000. Besides this, we have provided in the current year's budget a sum of Rs. 1 lakh for establishing a climatic sanatorium.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state when the programme of Government regarding combating of malaria is likely to be made public?

The Hon'ble Mr. SYED NAUSHER ALI: It will depend upon the result of the survey that is undertaken and some other factors also.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if it is a fact that poor tuberculosis patients are not examined in the Medical College Hospital free of cost?

The Hon'ble Mr. SYED NAUSHER ALI: I am not aware of it.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if it is a fact that an amount of Rs. 3 is charged from the poor patients in the Medical College Hospital?

Mr. SPEAKER: That question does not arise. Your question must arise out of some answer given to-day. I appreciate your question I have sympathy with it, but I want to know how it comes in.

Mr. SYED JALALUDDIN HASHEMY: I was only going to extract some information, so I personally know that some fees are taken from the poor tubercular patients.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether any other preventive steps were taken by Government during this year when malaria was raging everywhere?

The Hon'ble Mr. SYED NAUSHER ALI: I think, Sir, that the only other thing that is done is anti-malarial work, and the usual amount was spent.

Mr. SYED JALALUDDIN HASHEMY: Does the Hon'ble Minister consider the desirability of installing a X-ray plant for examining T. B. patients free of cost at the Medical College Hospitals?

Mr. SPEAKER: Order, order. That question does not arise.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether any scheme has been submitted from the District Board of Mymensingh for combating malaria?

Mr. SPEAKER: That question also does not arise.

I think, I have explained more than once that where a question of a general character is asked, questions enquiring about details in relation to it will not be strictly relevant unless in an exceptional case. If once this question is admitted, not only the question of Mymensingh but also that of the other 25 districts of Bengal will come in its trail.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether the Government have asked the District Boards to submit anti-malarial schemes and if any District Board has done so? If so, how many, and what are their names?

The Hon'ble Mr. SYED NAUSHER ALI: I think I have already stated in my reply that such schemes as have already been submitted are under the consideration of Government. This implies that some schemes have been received. I am sorry that without previous notice it is not possible for me to give further details.

Reorganisation of Peripatetic Weaving Schools.

***84. Mr. SHYAMA PROSAD BARMAN:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether a scheme of 5 years' plan was prepared by the Industries Department—Textile Section—for introducing jute spinning, weaving and printing to be attached with the existing peripatetic weaving schools?

(*b*) If so, whether the scheme has been given effect to?

(*c*) If not, when do the Government propose to do the same?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): The programme of the Industries Department includes a scheme for the reorganisation of the existing 8 peripatetic weaving schools so as to provide efficient practical training in jute spinning, cotton and jute weaving as well as dyeing and printing, provision for which has been made in the next year's budget subject to vote of the Assembly.

Instruction as to the settlement of debts.

***85. Maulvi MUHAMMAD IBRAHIM:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether the Government issued any instructions that the Co-operative Department will not accord sanction to any settlement which does not allow interest at 12½ per cent. per annum till the realisation of last instalment?

(*b*) If the answer to (*a*) is in the affirmative, are the Government aware that private *mahajans* and loan offices do not forgo their claim of interest even in deserving cases and settlement of debt has become more difficult?

(*c*) Do the Government contemplate withdrawal of their circular?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) No.

(*b*) and (*c*) Do not arise.

Stoppage of buses in front of Tamluk police-station.

*86. **Dr. GOBINDA CHANDRA BHAWMIK:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*a*) whether the buses plying between Tamluk and Panchkura are stopped every time in front of Tamluk police-station for reporting the time of departure and arrival and thereby causing much harassment to the public or not; and

(*b*) whether the Government are considering the desirability to withdraw that order or not at earliest convenience?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes. But no complaint of harassment to the public has been received.

(*b*) No.

Reserve tank at Senhati, Khulna.

*87. **Mr. J. N. GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that the President, Union, Board, Senhati, in the district of Khulna—

(*i*) has received a sanction of Rs. 900 from the Government to improve the condition of the reserve tank at Senhati; but

(*ii*) is proposing to spend a portion of the sum of Rs. 900 for making a Ladies' Park there?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state whether for the proposed Ladies' Park—

(*i*) the local public was consulted; and

(*ii*) the approval of the Government was obtained?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) (*i*) No; Rs. 600 has been sanctioned for one tank in Senhati out of the Rural Water Supply grant.

(*ii*) No.

(*b*) (*i*) and (*ii*) Do not arise.

Promotion of Assistant Head Masters from Government institutions.

*88. **Mr. BIRENDRA KISHORE RAY CHOUDHURY:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the number of Assistant Masters in Government high schools, madrassas and normal schools for boys drawing a salary of Rs. 150 and upwards in the scale Rs 75—5—150—5—200 with efficiency bar at Rs. 150 who have been recommended by the controlling officers, e.g., Divisional Inspectors and Principals of Colleges for promotion to the posts of Assistant Head Masters from 1930 to 1937 year by year;

(*b*) the qualifications of these recommended teachers; and

(*c*) how many of them are Hindus and how many are Muhammadans?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): The information cannot be given as such matters are treated as strictly confidential.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state how many recommendations of the Divisional Inspectors have been accepted?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot disclose that.

Mr. BIRENDRA NATH MAZUMDAR: With regard to question (*a*) will the Hon'ble Minister be pleased to state if the reply to that question also is confidential?

The Hon'ble Mr. A. K. FAZLUL HUQ: The answer covers all the questions from beginning to end.

Appointment of teachers in free primary schools in Mymensingh.

*89. **Mr. MONMOHAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether Government contemplate taking the teachers for the free primary schools in the district of Mymensingh according to the population basis of the different communities?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing separately—

(*i*) the number of teachers to be taken from the Caste Hindus, Scheduled Castes and the Muhammadans; and

(*ii*) the total population of each community?

The Hon'ble Mr. A. K. FAZLUL HUQ: Subject to the control provided in the Act, a District School Board is autonomous and is the final authority regarding the appointment of teachers in primary schools under its control. Government have not, therefore, laid down any condition regarding the appointment of such teachers in the district of Mymensingh.

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state whether there is any hand on the part of Government to supervise the programme of a District School Board if any injustice is done to any community?

The Hon'ble Mr. A. K. FAZLUL HUQ: Government have limited powers of control, and if there is any case of manifest injustice, Government will certainly interfere as an Advisory Body.

Bengal Secondary Education Bill.

*90. **Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) whether Government are contemplating the introduction of a Secondary Education Bill for this Province at an early date;

(*b*) whether it is a fact that certain matters in connection with the proposed Bill were discussed at some conferences held at the instance of the Education Minister in the month of January, 1938;

(*c*) if so, who were the persons invited to the conferences;

(*d*) who attended the same;

(*e*) what were the principles followed in selecting the persons invited to the conferences;

(*f*) what were the detailed subjects discussed at the conferences; and

(*g*) what are the decisions arrived at, if any?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) to (*d*) The matter was discussed at an informal conference and Government do not consider it necessary to give the names of those invited: all who were invited attended.

(*e*) Persons, who in the opinion of this department were considered capable of giving useful advice, were invited.

(*f*) The Bill as a whole.

(*g*) No decision has yet been arrived at. The conference is continuing.

Dr. NALINAKSHA SANYAL: With reference to answer (*b*) to (*d*), will the Hon'ble Minister be pleased to state on what ground Government does not consider it necessary to give the names? Is it against public interest?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, not against public interest. Government is the best judge in the matter and Government has so decided.

Dr. NALINAKSHA SANYAL: On a point of privilege, Sir. I submit that the Minister concerned cannot choose to reply questions in that way unless it is against public interest. If the Hon'ble Minister wants to withhold information in that way, I think it is a serious breach of the privilege of the House.

Mr. SPEAKER: I think, the Hon'ble Minister has given a reply.

Dr. NALINAKSHA SANYAL: I submit, he has not given the information asked for. I have specifically asked him whether it is on the ground of public interest, and he says "No."

Mr. SPEAKER: I take it that the first part of the question has been answered

Dr. NALINAKSHA SANYAL: My supplementary question was, on what ground Government thinks it not necessary to give the names. Is it in public interest? To that he has replied "No," Government is the best judge as to whether the names should be given out."

Mr. SPEAKER: If you submit a short statement to me on this point, I shall certainly consider the whole thing.

The Hon'ble Mr. A. K. FAZLUL HUQ: I might suggest to my learned friend that I am prepared to show him the names, if he still insists on having the names.

Dr. NALINAKSHA SANYAL: Is it a fact that those members that were invited have drawn travelling and halting allowances out of Government money?

The Hon'ble Mr. A. K. FAZLUL HUQ: Those who are asked to attend in their official capacity are allowed to draw travelling allowance.

Dr. NALINAKSHA SANYAL: Is it a fact that there were some members invited who were not even matriculates of the Calcutta or any other University?

The Hon'ble Mr. A. K. FAZLUL HUQ: There are many men in Bengal who know more of education than educated people themselves, and in some cases these illiterate men have got to be invited also.

Dr. NALINAKSHA SANYAL: Is it a fact that members were invited only from the Coalition Group save and except the representatives of the University?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, the answer is in the negative.

Dr. NALINAKSHA SANYAL: Was there any member other than those of the Coalition and the European Groups save and except the representatives of the University?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not prepared to disclose the names in an indirect way.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the criterion for deciding the capability of the members to give useful advice as mentioned in question (*e*)?

The Hon'ble Mr. A. K. FAZLUL HUQ: I exercised my unfettered judgment and whomsoever I considered fit I invited.

Mr. NAGENDRA NATH SEN: What are his reasons for disclosing the names to Dr. Sanyal only and not to other members of the Assembly?

The Hon'ble Mr. A. K. FAZLUL HUQ: If Dr. Sanyal sees the names, he will himself appreciate.

Introduction of a public examination in place of existing School Final Examination.

*91. **Maulvi MANIRUDDIN AKHAND:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether he is aware of a feeling in Bengal that the introduction of the system of School Final Examination for the Lower Primary, Middle English and Middle Vernacular examinations—

(*i*) has deteriorated the standard of education; and

(*ii*) is depriving many candidates of scholarships?

(*b*) If so, will the Hon'ble Minister be pleased to state what action, if any, the Government are taking to reintroduce the system of centre examination for the abovementioned examinations; if so, when?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) No. The examinations have restricted competition for scholarships to selected meritorious candidates.

(*b*) It is under the contemplation of Government to do away with examination at the lower primary stage as soon as 4-classed primary schools are organised throughout the Province. The question of replacing the present Lower Primary Scholarship examination by a Central public examination at that stage does not therefore arise. As at present advised, Government do not contemplate the introduction of a public examination at the end of the middle stage.

Matamohuri river.

*92. **Khan Bahadur Maulvi JALALUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether he is aware—

(*i*) of the damage to vast tract of cultivated lands with crops and houses of people of the Chakaria thana within the Cox's Bazar subdivision of Chittagong covering about 15 or 16 villages by constant shifting of the courses of the Matamohuri river and its periodically frequent floods; and

(*ii*) of the resulting loss of *khas mahal* revenue and the difficulty of the tenants in paying up their *kists* duly?

(*b*) If so, why no step has yet been taken by the Irrigation Department in preventing the overflooding of this devastating river?

(*c*) Are the Government considering it desirable to enquire into the matter without further delay?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) Owing to abnormal rainfall during the months of June and July, 1937, the rivers of the Cox's Bazar subdivision, including the Matamohuri in the Chakaria thana, overflooded their banks and caused extensive damages to crops. I am not aware of the constant shifting of the course of the Matamohuri river.

(*ii*) I have no information.

(*b*) and (*c*) It is not possible to prevent flooding in low-lying areas in years of abnormal rainfall.

Payment of court-fees on settled debts.

*93. **Maulvi MUHAMMAD IBRAHIM:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department

aware that payment of court-fees on determined debt works hard both on debtors and creditors?

(*b*) If so, do the Government contemplate issue of instructions for payment of court-fees on settled debts?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) No.

(*b*) Does not arise.

Mr. NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether Government has issued any instructions for levy of court-fees in such cases?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Instructions were issued at the very beginning, and no further instruction has since been given.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state whether there is any difference between a determined and a settled debt?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It is so in some cases.

Maulvi ABDUL HAMID SHAH:

'মন্ত্রীমহোদয় বলবেন কি যে খাতক কর্তৃক প্রদত্ত কোর্টফির Stamp determined debt হোতে কি Settled debt হতে অথবা award এর debt হতে কর্তণ যাবে?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already answered that question.

Investing the Special Boards at Kishoreganj and Bajitpur with powers under section 22 of the Agricultural Debtors Act.

***94. Maulvi MUHAMMAD IBRAHIM:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether the Government contemplate investing the Special Boards at Kishoreganj and Bajitpur with powers under section 22 of the Agricultural Debtors Act very shortly?

(*b*) Is he aware that the applications of those debtors who are fit to be adjudged insolvent under the Agricultural Debtors Act are being dismissed by these Boards and these poor people are not getting any relief under the aforesaid Act?

(*c*) Why were not these Boards invested with powers under section 22 so long?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Not until recommendations to this effect are received from the Collector through the Commissioner.

(*b*) No, the procedure is to keep such applications pending for the time being.

(*c*) Because it is Government's policy that the powers under section 22 should not be used until it is clear that all other means of effecting a settlement are of no avail.

Maulvi MUHAMMAD ISRAIL: With reference to answer (*b*) will the Hon'ble Minister be pleased to state whether some of the special boards have actually dismissed applications of debtors fit to be adjudged insolvent under section 22 of the Agricultural Debtors Act?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Not that I am aware of.

Maulvi ABDUL HAMID SHAH:

খাতকের দরখাস্ত pending থাকাকালীন শালিষীবোর্ড কর্তৃক নোটিশ জারি করে তাহার বিরুদ্ধে ডিক্রির কার্য্য স্থগিত রাখিতে পারিবেন কিনা মন্ত্রীমহোদয় তাহা জানাইবেন কি?

Mr. SPEAKER: That is a matter of opinion. The question does not arise.

Revenue Sheristadar of the Rajshahi Collectorate.

***95. Maulvi MOSLEM ALI MOLLAH:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the scale of pay for the post of the Revenue Sheristadar of the Rajshahi Collectorate with the amount of annual increment for the same;

(*ii*) the present pay of Babu Dinesh Chandra Neogi, the Revenue Sheristadar of Rajshahi Collectorate;

(*iii*) whether Babu Dinesh Chandra Neogi has completed five years' service as Revenue Sheristadar of Rajshahi Collectorate; and

(*iv*) whether the Revenue Sheristadars are liable to transfer under the Board's Miscellaneous Rules on completion of five years' service in a district?

(*b*) If the answers to (*a*) (*iii*) and (*iv*) are in the affirmative, will the Hon'ble Minister be pleased to state why Babu Dinesh Chandra Neogi has not yet been transferred?

MINISTER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (i) Rs. 200—15—275.

(*ii*) Rs. 275 per mensem.

(*iii*) No.

(*iv*) Yes.

(*b*) Does not arise.

Mr. NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if it is a fact that there is no post by the name of Revenue Sheristadar, but he is called the Superintendent?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, he is called the Superintendent.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if it is a fact that Babu Dinesh Chandra Neogi, Revenue Sheristadar, Rajshahi Collectorate, officiated as Sheristadar in place of Babu Nirod Kumar Munshi, late Sheristadar of Rajshahi, during his leave preparatory to retirement which was followed by the permanent appointment of the former on 16th November 1933? If so, how long did Babu Dinesh Chandra Neogi officiate in the post immediately before 16th November 1933?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, about 14 months.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether rule 101 of the Board's Miscellaneous Rules contemplates exclusion of the period of officiating service followed by permanent appointment? When will Babu Dinesh Chandra Neogi complete five years' service within the meaning of the rule? If he has already completed five years' service as Sheristadar of Rajshahi, why he has not been transferred under the rule?

Mr. SPEAKER: Order, order. That question does not arise. That is a matter of legal interpretation.

Maulvi ABDUL BARI: The first part ' Sir. Will the Hon'ble Minister be pleased to state if rule 101 of the Board's Miscellaneous Rules contemplates the exclusion of the period of officiating service followed by permanent appointment?

Mr. SPEAKER: That also does not arise. That is also a legal point and you had better look into the rules yourself.

Clerks in the selection grade in the district offices.

*96. **Mr. SYED ABDUL MAJID:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the number of clerks in the selection grade in the district offices of the Province;

(*b*) the number of Moslems holding posts in the selection grade in those offices (to be shown separately district by district); and

(*c*) the number of clerks enjoying extension of services in the various districts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) There is no selection grade in the district offices.

(*b*) and (*c*) Do not arise.

Country liquor.

*97. **Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(*a*) whether it is a fact that by certain notification the price of country liquor has been reduced to four annas and six pies from October or near about per seer;

(*b*) if so, will the Hon'ble Minister be pleased to state—

(*i*) who is responsible for the said circular; and

(*ii*) whether consumption of liquor has been increased as its effect?

MINISTER in charge of FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) and (*b*) (*i*) Under orders of Government weak liquor of the strength of 75° U. P. was introduced in certain areas and at the rates of selling prices mentioned in Notification No. 18367-Ex., dated the 27th September 1937, a copy of which is laid on the Library table.

(*b*) (*ii*) Consumption of licit liquor has increased, and consumption of illicit liquor has decreased. This weak liquor is more of a beverage than an intoxicant.

Mr. NAGENDRA NATH SEN: Will not the Hon'ble Minister disclose the name of the officer who is responsible for the said circular which is mentioned in (*b*) (*i*). The Hon'ble Minister has not answered that.

The Hon'ble Mr. PRASANNA DEB RAIKUT: It was issued under the orders of Government.

Maulvi TAMIZUDDIN KHAN: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether it is the policy of the Government to increase the consumption of licit liquor?

The Hon'ble Mr. PRASANNA DEB RAIKUT: No, Sir.

Maulvi ABUL HASHIM: Will the Hon'ble Minister be pleased to state whether he considers the increased consumption of liquor against the policy of prohibition or not?

Mr. SPEAKER: That is a matter of opinion.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state why one and the same kind of liquor is sold at different prices in different districts as appears from the statement laid on the library table, the price ranging from Rs. 2-7-0 to Rs. 1-11-9?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes, Sir, that is a fact.

Maulvi ABUL HASHIM: Will the Hon'ble Minister be pleased to state whether reduction of prices in liquor is the result of their inability to check illicit distillation?

The Hon'ble Mr. PRASANNA DEB RAIKUT: No, Sir. It is with a view to induce the people who are in the habit of taking strong liquor to take to weaker liquor.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to explain the term 75° U.P. with reference to answer (*a*) and (*b*) (*i*)?

The Hon'ble Mr. PRASANNA DEB RAIKUT: It is "Under Proof."

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether the beverage referred to in answer (*b*) (*ii*) is like English beer?

Mr. SPEAKER: Order, order. That question does not arise.

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. Is any hon'ble member entitled to read newspapers inside the House?

Mr. SPEAKER: Little did I expect that the gentleman who moved a privilege motion would do it. (Laughter.)

Mr. NISHITA NATH KUNDU: With reference to answer (*b*) (*ii*), will the Hon'ble Minister be pleased to tell us if the consumption of licit liquor goes on increasing, how will it help the policy of prohibition?

Mr. SPEAKER: That question does not arise.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state whether the statement on the Library table is correct or not?

The Hon'ble Mr. PRASANNA DEB RAIKUT: As far as I think, it is correct.

Travelling or daily allowance of the Hon'ble Ministers for attending the Lucknow session of the Muslim League in 1937.

*98. **Mr. SYED JALALUDDIN HASHEMY:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) whether it is a fact that some of the Ministers attended the Lucknow session of the Muslim League in 1937;

(*b*) whether these Ministers attended the said conference in their private or official capacity;

(*c*) whether all or some of the Ministers drew a travelling and daily allowance or both for attending the said conference?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) Yes.

(*b*) In their private capacity.

(*c*) One of the Ministers travelled on a Railway requisition. None of them drew travelling allowance or daily allowance.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to explain the term "Railway Requisition"? Is it a free pass, or is money to be paid by the Government?

The Hon'ble Mr. NALINI RANJAN SARKER: It is not a free pass. The Railways send their bill and on receipt of the bill it is paid by the Government or sometimes by the Minister himself, if it is private business as in the present case.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether this Railway requisition was obtained by virtue of the public office held by the Minister?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes.

Mr. KIRAN SANKAR ROY: Who is this one exception?

The Hon'ble Mr. A. K. FAZLUL HUQ: I did it, Sir. I will answer that question. I know, my colleague does not know.

(At this stage several members from the Congress Benches stood up to mark their protest against the Hon'ble Mr. A. K. Fazlul Huq replying in place of the Hon'ble Mr. Nalini Ranjan Sarker.)

Mr. SPEAKER: Order, order. The position is, so long as there is joint responsibility one Minister by tacit consent of the other Minister could give the answer. I think it is not for me to interfere in a matter like this.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, for the information of the House I will mention that ordinary requisition was not available, and I requisitioned a compartment for travelling to Lucknow, but I made it distinctly clear that the charge would be paid by me personally, and I did not draw any daily allowance or travelling allowance.

Total earnings of typists and copyists.

***99. Mr. SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*i*) what is the sale-proceeds of folios used by the copyists and typists in Bengal from 1932-37;

(*ii*) what is the amount paid as remuneration to the (1) copyists and (2) typists of Bengal each year from 1932-37;

(*iii*) what is the income of the sale of court-fee stamps required for certified copies in Bengal;

(*iv*) what is the number of copyists and typists in Bengal at present;

(*v*) what is the total remuneration earned by them; and

(*vi*) what is their average earning in 1937?

(*b*) Is the Hon'ble Minister aware—

(*i*) that by a resolution the Government of United Provinces have incorporated the copyists and typists in the permanent cadre since April 1926; and

(ii) that a resolution was passed on the 31st August, 1921, in the Bengal Legislative Council regarding incorporating the copyists and typists in the permanent service of the Government?

(c) If the answer to (b) (ii) is in the affirmative, will the Government be pleased to state when they propose to give effect to the resolution?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (a) (i) and (ii) The following figures which were collected for the purposes of investigating the staff of comparing clerks are available:—

	Total earnings of typists and copyists.
	Rs.
Average of 1933, 1934 and 1935 ...	2,92,460
1935 ...	3,02,439
1936 ...	2,77,361
1937 ...	2,76,745

The receipts for folios are double these figures. In addition to typists and copyists 188 comparing clerks are employed costing about Rs. 1½ lakhs.

The totals of earnings for copyists and typists separately are not readily available.

(iii) Not readily available.

(iv) The number of copyists and typists in 1936 was 353 and 200, respectively. The number for 1937 is not yet available.

(v) Please see (ii) above.

(vi) The average earning in 1936 of copyists and typists was Rs. 35-12 and Rs. 57-13, respectively. The figure for 1937 is not yet available.

(b) (i) No.

(ii) Yes.

(c) No. The member is referred to the reply given to unstarred question No. 61 asked by Rai Harendra Nath Chaudhuri at the last session.

Mr. JOGESH CHANDRA GUPTA: Having regard to the fact that only unstarred question No. 30 has been circulated, is the Hon'ble Minister in order in referring this House to the reply to No. 61 unstarred question?

Mr. SPEAKER: That number 61 refers to that of the last session.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*b*) (*i*), will the Hon'ble Minister be pleased to enquire from the Government of the United Provinces and give effect to the policy undertaken by that Government?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: So far, you see, as the United Provinces Government is concerned, I do not know what is their policy, but so far as this Government is concerned, I know its policy. It considers that the present system is in the interest of its office typists and copyists. Take this one thing, each copyist and typist are now getting at the rate of Rs. 37 and Rs. 57 and odd, respectively. Take the case of typists. Suppose you make them ordinary office clerks, what will happen? You can say that they will get from Rs. 35 to Rs. 80 as pay. Instead of Rs. 35 we are giving them Rs. 57, and for these young men who are just starting their lives, if they get Rs. 22 more don't you think that it is rather in the interests of these people that this should be continued? I can tell you further (hear, hear), and I have seen lot of typists, they are much better off than many officers.

Bemorta canal, Khulna.

***100. Mr. ABDUL HAKEEM:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether the Government received a memorial, dated the 19th September, 1937, submitted by the Bhairab (Bemorta) Excavation Scheme Committee (Khulna) to the Hon'ble Minister?

(*b*) If the answer to (*a*) is in the affirmative, do the Government contemplate immediate action on the said memorial? If not, why not?

(*c*) Is he aware that the matter of excavation of this Bemorta canal (Khulna) is a Provincial problem concerning Lower Bengal for improvement of trade, agriculture and health for people?

(*d*) Is it not a fact that there is an apprehension of the Forest revenue coming down with the closing up of this canal?

(*e*) Is he aware—

(*i*) of the repeated assurances given by the authorities for the excavation of this canal; and

(*ii*) that during the debate in Legislative Council in 1926 the Government accepted the proposal for immediate excavation of this Bemorta canal along with the Alaipur *Khal* (Khulna)?

(*f*) Are the Government considering the desirability of the immediate excavation of the Bemorta canal?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) Yes.

(*b*) and (*f*) The matter is under consideration.

(*c*) No, because the principal waterway is *via* the Attrabanka river, Attye Halifax Cut Route, Kocha and Baleswar rivers, etc.

(*d*) No.

(*e*) (*i*) I am not aware of any assurances.

(*ii*) Yes, about the Alaipur *Khal* only.

Dr. NALINAKSHA SANYAL: Supplementary question, Sir.

Mr. SPEAKER: Dr. Sanyal, let the Minister finish the answers to the other three questions which concern him, and after that I shall allow supplementary questions to all the four.

Dr. NALINAKSHA SANYAL: Sir, I will just point out that one reply is omitted for (*f*).

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Sir, may I draw the attention of the Hon'ble Member that "(*b*) and (*f*)" have been put together in my answer.

***101. Mr. SYED MOSTAGAWSAL HAQUE:** Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state—

(*a*) Are the Government aware—

(*i*) that the Bemorta canal in the district of Khulna is the only key-route to the Sunderbans and to Calcutta from East Bengal; and

(*ii*) that East Bengal customers of the Sunderbans Forest produce ply their loaded boats through this canal?

(*b*) Is it not a fact—

(*i*) that there is apprehension of a fall of Forest revenue with the closing up of this canal?

(*ii*) that maintenance of law and order in this canal becomes difficult at the approach of flow-tide when country boats rush in for passage;

(*iii*) that this canal carries sweet water from the Baleswar down to the Daratana and supports agriculture and improves health;

(*iv*) that an offer was made by Babu Suklal Nag (now Rai Bahadur) to re-excavate this Bemorta canal, if permission for levy of tolls be granted to him, but no reply has yet been given to him;

(*v*) that the District Board of Khulna repeatedly urged the Government for the excavation of this Bemorta canal; and

(*vi*) that in spite of the assurances given by the heads of the departments concerned, nothing tangible has yet been done towards the excavation of this Bemorta canal?

(*c*) Have the Government received a memorial, dated the 19th September, 1937, regarding the excavation of this canal?

(*d*) Do the Government contemplate taking immediate steps towards the excavation of this canal?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to state the reasons for the same?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) No. The principal waterways now are *via* the Attye river and the Halifax Cut during the winter and *via* the Attrabanka river during the monsoon.

(*ii*) No. They ply their loaded boats by the above routes.

(*b*) (*i*) No.

(*ii*) I have no information.

(*iii*) and (*v*) Yes.

(*iv*) Yes. A reply was given.

(*vi*) I am not aware of any assurances.

(*c*) Yes.

(*d*) and (*e*) The matter is under consideration.

*102. **Mr. NAGENDRA NATH SEN:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether Government received any scheme regarding excavation of the Bemorta canal in the subdivision of Bagerhat, district Khulna?

(*b*) Are Government aware that trade, navigation, agriculture and health will suffer from delay in the excavation of this canal?

(*c*) Is it not a fact that the public have urged for the immediate excavation of this canal by wire and by memorial?

(*d*) Is it not also a fact that this matter of the Bemorta canal is a Provincial problem concerning Lower Bengal?

(*e*) Have the Government received a memorial, dated the 19th September, 1937, submitted to the Hon'ble Minister for Communications and Works, by the Bhairab (Bemorta) Excavation Scheme Committee, Khulna?

(*f*) Do Government contemplate taking immediate steps towards the excavation of this Bemorta canal?

(*g*) If the answer to (*f*) be in the negative, will the Hon'ble Minister be pleased to state the reasons for the same?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*), (*b*) and (*c*) Yes.

(*d*) No, because the principal waterway is *via* the Attrabanka river, Attye-Halifax Cut route, Kocha and Baleswar rivers, etc.

(*e*) Yes.

(*f*) The matter is under consideration.

(*g*) Does not arise.

*103. **Mr. SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state—

(*i*) whether he is aware that the Bemorta canal in the subdivision of Bagerhat, district Khulna, is a trade route to East Bengal;

(*ii*) that the trading boats from Calcutta pass through the Chhabaki and this Bemorta canal;

(*iii*) that the Sundarban Forest produce, e.g., Golpata, fuel and timber passes to East Bengal through this Bemorta canal; and

(*iv*) that this Bemorta canal is being silted up rapidly?

(*b*) Will the Government consider it desirable to excavate this Bemorta canal in this dry season?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reasons for the same?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) Yes.

(*ii*) Some boats pass through the Chhabaki, Baleswar channels, etc., but not through this Bemorta *khal*.

(*iii*) No. They pass by the principal route *via* the Attye river and the Halifax Cut during the winter and *via* the Attrabanka river during the monsoon.

(*iv*) Yes.

(*b*) and (*c*) The matter is under consideration.

Home (Records) Department.

***104. Khan Sahib Maulana AHMED ALI ENAYETPURI:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) how many record suppliers and *duftries* have been recruited in the Home (Records) Department from 1st January, 1929, to 31st December, 1937;

(*b*) how many of them are Muslims;

(*c*) how many keepers of records have been appointed since the reorganisation and establishment of the record room;

(*d*) how many of them are Muslims; and

(*e*) how many Muslims are there in the grade of Head Assistant and other senior posts of the Record Department?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) 39.

(*b*) 14.

(*c*) 5.

(*d*) None.

(*e*) 4.

Al-Haj Maulana Dr. SANAULLAH: Will the Hon'ble Minister be pleased to state with reference to answer (*d*), why there is not a single Muslim in the department?

The Hon'ble Khwaja Sir NAZIMUDDIN: These appointments were made by the previous Government.

Maulvi ABDUL BARI: With reference to answer (*c*), will the Hon'ble Minister be pleased to state why no Muslim out of these 5 was appointed?

The Hon'ble Khwaja Sir NAZIMUDDIN: The appointments were made by the previous Government.

Mr. RASIK LAL BISWAS: Will the Hon'ble Minister be pleased to state how many of them are coming from the scheduled caste?

The Hon'ble Khwaja Sir NAZIMUDDIN: None.

Al-Haj Maulana Dr. SANAULLAH: Will the Hon'ble Minister be pleased to state what is the total strength of those who are in the grade of Head Assistant and other senior posts of the record department?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Jhenida-Magura Road.

***105. Mr. RASIK LAL BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) when the Jhenida-Magura Road was taken up on the Road Development Board;

(*ii*) when works began on that road;

(*iii*) in what stage the work is now going on;

(*iv*) when the first portion of the road is expected to be completed;

(*v*) how long the other portion will take to be completed;

(*vi*) how many times has the sanctioned plan of the road been changed;

(*vii*) why these changes were necessary;

(*viii*) who was the officer of the Government responsible for the sanction of the first plan;

(*ix*) who sanctioned the second plan and who the third;

(*x*) did these officers sanction the plans after due scrutiny and supervision;

(*xi*) what has been the difference of amount of money between first plan and the last plan; and

(*xii*) whether the Government has taken any step to expedite the matter?

(*b*) If so, when?

(*c*) If not, why not?

(*d*) Will the Hon'ble Minister be pleased to state whether the Government have taken any explanation of delay and alteration of plans from the officers concerned?

(*e*) If so, from whom and when?

(*f*) If not, why not?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) January, 1930.

(*ii*) May, 1932.

(*iii*) The construction of the first part of the road was nearing completion when the road was breached in several places by the floods of 1934. Supplementary estimates were prepared and these had again to be revised on account of the abnormal flood of 1936.

The construction of the second part of the road has been taken up recently.

(*iv*) About December, 1939.

(*v*) The second portion of the road is expected to be completed by March, 1940.

(*vi*) Twice.

(*vii*) On account of the floods of 1934 and 1936.

(*viii*) The plans and estimates were prepared by the District Engineer and approved by the then Chief Engineer, Bengal.

(*ix*) The second design was not sanctioned. The third design was sanctioned by the Chief Engineer.

(*x*) Yes.

(*xi*) Rs. 3,04,749.

(*xii*) Yes.

(*b*) From time to time.

(*c*) Does not arise.

(*d*) No.

(*e*) Does not arise.

(*f*) No explanation was considered necessary.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what loss has been entailed either on the Government or on the District Board or any other authority on account of this long drawn project from 1930 to 1939?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: As I have explained in my reply, the delay was inevitable for the floods over which this Government had no control.

Dr. NALINAKSHA SANYAL: My question was about the loss entailed and my next is, who will bear this loss?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Sir, if the Hon'ble Member meant by loss the additional amount the Government had to bear on account of the flood, I would ask for notice; but, as I have already stated, this Government had no control over the floods which took place once in 1934 and then in 1936. I do not think any human agency could be made responsible for this additional expenditure.

Dr. NALINAKSHA SANYAL: Is it a fact that there were other reasons for the delay than floods?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: No, Sir.

Reduction in the salary of Government employees drawing Rs. 100 per mensem.

***106. Maulana MD. MANIRUZZAMAN ISLAMBADI:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether the Government are considering any definite policy for a cut in the salary of the Government employees drawing Rs. 100 per mensem and over?

(*b*) If not, are the Government considering the desirability of making cuts in their salaries in a graduated scale?

The Hon'ble Mr. NALINI RANJAN SARKER: A general reduction in the pay of all provincial and subordinate services and posts carrying a monthly pay of more than Rs. 80 was effected between 1934 and 1937. Similar revisions were carried out in other Provinces. I propose to circulate a statement in the course of the present session which will show the nature of the reductions effected in Bengal and how the resulting scales compare with those adopted elsewhere. A further general reduction of the pay of provincial and subordinate services is not contemplated by Government, but the possibility of reducing the maximum of some of the time-scales, for future recruits and for persons promoted outside the ordinary line of their service, is under examination.

Mr. NAGENDRA NATH SEN: Sir, will the Hon'ble Minister be pleased to state whether any representations have been received for a further general reduction on provincial and subordinate services?

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, I have seen some resolutions tabled in this House.

Superintendent of Agriculture and Head Master, Dacca Agricultural School.

***107. Mr. CHARU CHANDRA ROY:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether one outsider has been taken as a Superintendent of Agriculture ignoring the claims of qualified and experienced District Agricultural Officers?

(*b*) Is it a fact that the Head Master of the Dacca Agricultural School has been reverted to the post of the District Agricultural Officer and a junior man has been appointed in his place?

(*c*) Would the Hon'ble Minister please state the reason of this supersession of a senior man by a junior man and of taking an outsider as Superintendent ignoring the claims of qualified and experienced departmental men?

(*d*) Would the Hon'ble Minister please state the names of the persons who have been taken as the Superintendent and as the Head Master?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) The post of Superintendent of Agriculture has been filled by direct recruitment in accordance with the rules. No question of supersession arises.

(*b*) Yes, the officiating Head Master reverted on permanent arrangement being made in his place.

(*c*) These posts are included in the Bengal Lower Agricultural Service appointment to which is ordinarily made by direct recruitment as the duties attached to them require higher technical qualification than District Agricultural Officers in the Subordinate Agricultural Service, Class I, generally possess. The appointments have therefore been made by selection on the advice of the Public Service Commission who considered the claims of suitable officers of the Subordinate Agricultural Service, Class I, along with those of outsiders. The case of the officiating Head Master of the Dacca Agricultural School was particularly placed before the Commission who did not find him suitable for promotion.

(*d*) Mr. S. C. Roy (B.Sc. Agri., Wales) has been appointed Superintendent of Agriculture, Tobacco, and Maulvi Fakhrul Islam Waheed, the Head Master, Dacca Agricultural School.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the Public Service Commission was required to recommend only two names and to admit two recommendations only from the department as regards departmental promotion?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: That body was asked to submit two names from outside and two names from amongst officers of the department for promotion.

Dr. NALINAKSHA SANYAL: With regard to the two names recommended for promotion from the department, is it a fact that the references of all the officers similarly situated were not placed before the Public Service Commission?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Most certainly, they were placed

Dr. NALINAKSHA SANYAL: Is it a fact that there was one candidate approved, or supposed to be approved, who is not even a Matriculate and who is himself in charge of Agricultural education?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware of that.

Dr. NALINAKSHA SANYAL: Is it a fact, Sir, that so far as this officer, Jadu Nath Chatterji is concerned, he has been reverted from the post of Superintendent of Agriculture, Tobacco, even though he has extensive experience of this work?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I have already stated that these appointments are made by the Public Service Commission.

Dr. NALINAKSHA SANYAL: But his case was not referred to?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Yes, it was.

Dr. NALINAKSHA SANYAL: Is it a fact that the Public Service Commission was induced to approve——

Mr. SPEAKER: Order, order. I disallow the question.

Dr. NALINAKSHA SANYAL: Is it a fact that Mr. Carbery, the Director of Agriculture, saw the Chairman of the Public Service Commission——

Mr. SPEAKER: Order, order. I must say that it is the definite practice of the Chair not to permit in this House any grave allegations against any responsible officer of Government except by way of a substantive motion. This is not a matter which arises out of the question or the answer. How do you know that Mr. Carbery saw the Chairman of the Public Service Commission? It is neither in the question nor in the answer. A supplementary question is put only with a view to elicit such information as comes within the scope of the original question. You are not entitled to put supplementary questions relating to extraneous matters. You cannot bring in any new matter in a supplementary question, particularly any question which involved any grave allegations.

Dr. NALINAKSHA SANYAL: My supplementary question originally was this: if it is a fact that the Public Service Commission was not apprised of the cases of all similarly placed officers, and to this question the Hon'ble Minister replied "No", and then in order to elicit further information I put another supplementary question.

Mr. SPEAKER: You cannot elicit that information by putting a supplementary question. You can only do it by giving notice of a fresh question.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state for how many years the reverted Head Master officiated as the Head Master of the Dacca Agricultural School?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice, Sir.

Mr. AHMED HOSAIN: On a point of information, Sir. Is the question in its present form likely to elicit sufficient information?

Mr. SPEAKER: The practice is for a member to be informed of the form in which a question is admitted, and if there is any difficulty, his duty is not to raise the matter on the floor of the House, but to represent it to me in my office.

New road in the Gaibandha subdivision, Rangpur.

*108. **Mr. AHMED HOSAIN:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) how many new roads were constructed by the Rangpur District Board, in the Gaibandha subdivision, by money advanced by Government to it for test relief work, during the years 1930-34; and

(*b*) the actual amount spent for these new roads?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) Only one village road.

(*b*) About Rs. 500.

Detenu Chittaranjan Guha.

*109. **Mr. JOGESH CHANDRA GUPTA:** Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*a*) whether detenu Chittaranjan Guha, a boy aged 19 years, has been transferred to the Dum-Dum Industrial Training Camp to learn umbrella-making in spite of his desire to prosecute his studies in the general line and his unwillingness to adopt umbrella-making as his future profession?

(*b*) Is it a fact—

(*i*) that his consent was not obtained before sending him to the training camp and he has informed the Government of his unwillingness to remain there; and

(*ii*) that the said detenu has been continually suffering in the camp from malaria and ear troubles, and is it a fact that he is suspected of having tuberculosis infection and has been X-Rayed?

(*c*) If so, will the Hon'ble Minister be pleased to state what arrangements for his treatment have been made?

(*d*) Do the Government contemplate to release him forthwith to give him proper facilities for treatment and education?

The Hon'ble Khwaja Sir NAZIMUDDIN: Both the detenu and his father wanted transfer to a training camp in the early part of 1937, but it was impossible to carry this out until October. After getting to the camp the detenu changed his mind and orders for his release have since been issued.

Mr. NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state why no answer has been given to question (*b*) (*ii*) which says: "that the said detenu has been continually suffering in the camp from malaria and ear troubles, and is it a fact that he is suspected of having tuberculosis infection and has been X-rayed"?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have replied in a comprehensive manner, Sir, and I submit that in view of the fact that the detenu is going to be released, the answer is quite sufficient.

Mr. NAGENDRA NATH SEN: On a question of privilege, Sir. Is it permissible for the Hon'ble Minister to say that because a detenu may be released nothing of his previous history should be given?

Mr. SPEAKER: I hold that if the answer of an Hon'ble Minister is not satisfactory to members as regards the points on which information is sought, the Hon'ble Minister concerned should answer more fully at the earliest possible opportunity.

Mr. NAGENDRA NATH SEN: Thanks.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state when, and on what date, the order for his release was issued?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir.

Mr. NIHARENDU DUTTA MAZUMDAR: On a point of order, Sir. In spite of these two questions, the Hon'ble Minister has not cared to give an anwser, and I submit, the House is entitled to get a complete answer from the Hon'ble Minister.

Mr. SPEAKER: I have already indicated that the Hon'ble Minister should give an answer at the earliest possible opportunity.

Training in umbrella-making in the Detenu Industrial Training Camp at Dum-Dum.

***110. Mr. JOGESH CHANDRA GUPTA:** Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*a*) whether the Government fixed any period for completion of training in umbrella-making in the Detenu Industrial Training Camp at Dum-Dum;

(*b*) if so, is the maximum period 8 months;

(*c*) whether detenu Shibdas Ganguli, aged 19 years, is running the ninth month of his detention in the training camp after completion of his training course;

(*d*) do the Government contemplate his release forthwith? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) The training period is between 8 and 12 months depending on the progress made by the trainee.

(*c*) and (*d*) The detenu has been released.

Allowances to detenus.

*111. **Mr. AMRITA LAL MANDAL:** (*a*) Is the Hon'ble Minister in charge of the Home Department aware that the Hon'ble Finance Minister made a statement in the Press that the detenus were released on the condition to notify change of address to the local authorities for the facilities of the Government to reach the allowance for one year to the released detenus in proper time and addresses?

(*b*) If the statement is correct, are the released detenus getting their allowances in time?

(*c*) If the answer to clause (*b*) is in the affirmative, why ex-detenu Babu Bhabanidas Chakravarty, son of late Nil Ratan Chakravarty, of Tangail, is not getting his allowances in time?

The Hon'ble Khwaja Sir NAZIMUDDIN: The statement made was to the effect that they would be eligible for an allowance for six months. Such allowances are obtainable on application to the District Magistrate and no separate order of Government is necessary unless it is proposed to consolidate the detenu's own allowance with an allowance for his family. In the case referred to a consolidated allowance has been sanctioned with retrospective effect.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state definitely what is the amount of allowance given to detenus, and whether it is a fact that a large number of released detenus are passing their days without any allowance whatsoever?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is quite possible that a certain number of detenus have not received their allowances yet,

but in all cases a reference should be made to the District Magistrate concerned who sanctions the allowance. The cases of detenus where a consolidated allowance is given, *i.e.*, where a man not only gets a personal allowance but an allowance is given to his family as well, and the two allowances have got to be consolidated into one lump sum—those cases only come up before Government.

Mr. ATUL KRISHNA GHOSE: On a point of order, Sir. The Hon'ble Minister has not given any answer to my question as to the amount of allowance given to detenus?

Mr. SPEAKER: I should think that the Hon'ble Minister has answered your question.

Detenu Babu Jagatjjit Sarcar.

*112. **Mr. AMRITA LAL MONDAL:** (*a*) Will the Hon'ble Minister in charge of Home (Special) Department be pleased to state—

(*i*) whether detenu Babu Jagatjjit Sarcar is interned in the village Hatibandha, district Rangpur; and

(*ii*) that the place is insanitary and the condition of his health is bad?

(*b*) Do the Government grant him any allowance?

(*c*) Is it a fact that the parents of the said detenu are not getting any information about their son in spite of the repeated petitions to the Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: The detenu is now living with his family in his home in Calcutta.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether any allowance has been granted to Jagatjjit Sarcar?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir.

Mr. NIHARENDU DUTTA MAZUMDAR: On a point of order, Sir. Notice has already been given to Government whether Government grant him any allowance. What further notice does the Hon'ble Minister require?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe that he is getting an allowance.

Mr. NIHARENDU DUTTA MAZUMDAR: I submit, Sir, that the reply of the Hon'ble Minister should be authoritative and not vague. His reply should not be based on mere conjecture and hedged with such expressions as "I believe", and so on.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, as far as the amount of allowance is concerned, I ask for notice. I have nothing further to add.

Discretionary grants at the disposal of District Magistrate, Munshiganj.

*113. **Mr. MD. ABDUL HAKIM VIKRAMPURI:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a detailed statement showing

(*a*) the sum given each year, 1930 to 1937, by the Bengal Government as discretionary fund at the disposal of the District Magistrates, or the Additional Magistrates, as the case may be, and the Subdivisional Magistrate of Munshiganj;

(*b*) the purpose, area and the amount of money spent by the District Magistrates, Additional District Magistrates, as the case may be, and the Subdivisional Magistrates;

(*c*) the amount of money spent in the areas where the Mussalmans and Namasudras are in preponderating number; and

(*d*) the number of Mussalmans and Namasudras benefited by their allotment?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) The amounts allotted to the District Magistrates are shown in a statement placed on the table. No discretionary grant is given by Government to Additional Subdivisional Magistrates.

(*b*) District Magistrates spend their grants within their respective districts on the purposes specified in paragraph 133 at page 89 of the Bengal Audit Manual.

(*c*) A statement is laid on the Library table.

(*d*) As discretionary grants are not distributed among individuals it is not possible to calculate the number of individuals benefited.

Statement referred to in the reply to clause (a) of starred question No. 113, showing the amount placed each year from 1930 to 1937 by the Bengal Government as discretionary grants at the disposal of the District Magistrates.

Year.	Amount of discretionary grants placed at the disposal of District Magistrates.
	Rs.
1930-31	50,500
1931-32	25,250
1932-33	25,250
1933-34	25,250
1934-35	25,250
1935-36	25,250
1936-37	25,250
1937-38	25,250

Detenus, home internees and prisoners.

***114. Mr. MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to lay on the table a statement showing for the present—

(*i*) the number of—

(1) detenus,

(2) home internees,

(3) prisoners under Regulation III,

(4) political prisoners in the Andamans, and

(5) other political prisoners of Vikrampur; and

(*ii*) the number still unreleased of prisoners of the Munshiganj subdivision?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) what principle has been adopted in releasing the political prisoners; and

(*ii*) whether Government contemplate their unconditional release within a short time and provision for their appointments?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) I regret that separate statistics for the area are not maintained and cannot be compiled without an expenditure of time and labour which Government are unable to accept.

(*b*) The hon'ble member is referred to the statement made by me in this House on the 9th August, 1937, the communique issued on the 18th November, 1937, and the communique issued on the 5th January 1938.

Extension of service.

*115. **Mr. SYED ABDUL MAJID:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether the Government are considering the desirability of stopping extensions of service by making or amending the existing rules in that connection?

The Hon'ble Mr. NALINI RANJAN SARKER: As extensions of service are sometimes necessary in the interests of the public service, Government do not propose to place an absolute veto on extensions of service. The rules as regards extensions are already sufficiently strict and no amendment of them is considered necessary.

Mr. SYED ABDUL MAJID: Will the Hon'ble Minister be pleased to state if the rules as regards extension are not strictly observed in the different districts and in the different departments of Government, and four, five or even six extensions are granted?

The Hon'ble Mr. NALINI RANJAN SARKER: I do not know, I will enquire.

Dr. COBINDA CHANDRA BHAWMIK: Is the Hon'ble Minister aware that 43 men out of 63 in the civil departments of Government are on extension, although they have attained the age of 55?

The Hon'ble Mr. NALINI RANJAN SARKER: As I have already said, I am not aware of it. I will make enquiries.

Observation of the Hon'ble Speaker regarding unauthorised circulation of pamphlets in the Assembly Chamber.

Mr. SPEAKER: Before I take up the other items I must inform the House that my attention has been drawn to some newspaper or green pamphlet that has been distributed and placed on the tables of the

members of this House. I must very strongly condemn such unauthorised circulation in this House which may perhaps be intended for carrying on propaganda by individual members. I shall take serious notice if there is repetition of this practice in future. But I hope this warning will be sufficient, and members will kindly note that without the permission of the Speaker no one should circulate any newspaper or pamphlet in the Chamber.

GOVERNMENT BUSINESS

GOVERNMENT BILLS.

The Bengal Famine Insurance Fund Bill, 1937.

Dr. NALINAKSHA SANYAL: Before you take up the business of the House, may we, Sir, now have your ruling on the point of privilege raised the other day with regard to the question of Money Bills in relation to the other House. I am afraid, the same arguments will apply to the Famine Insurance Bill also.

Mr. SPEAKER: What do you want me to answer exactly with reference to the particular Bill. We will take up the point of privilege in its appropriate time.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I have your permission to move the amendment——

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Unless your ruling is forthcoming before this Bill is moved at this stage in its present form I might be in difficulty.

Mr. SPEAKER: I do not know how my ruling affects the moving of this Bill.

Dr. NALINAKSHA SANYAL: This Bill proposes to have a certain sum of money set apart for the creation of a Famine Insurance Fund. Rs. 5 lakhs was proposed in this House and the Council has recommended Rs. 10 lakhs. In the first place, we have to know whether the Council has had the previous sanction of the Governor to having this amendment moved there under section 82 and secondly, as I find that this is going to be a charge on the revenues of this province, whether you permit it to be changed in any way by the Council and, even if the Governor's previous permission was

obtained by the other House, whether you require a fresh permission before this can be considered in this House and whether that consent is obtained.

Mr. SPEAKER: I do not understand your point of convention. Do you agree that so far as the law is concerned it is within the competence of the Council to do that?

Dr. NALINAKSHA SANYAL: So far as the moving of the amendment is concerned it can only be done with the previous consent of the Governor. That point is quite clear. But about the present case we have no clear provision in the Act.

Mr. SPEAKER: Is it a convention?

Dr. NALINAKSHA SANYAL: Yes, Sir, and I would ask the House to stand by the timeworn convention of all popular Houses, and create this convention here by not accepting the amendment at all.

Mr. SPEAKER: I think, Dr. Sanyal, your point is that it should be the privilege of this House alone, by mutual arrangement, that all matters affecting finance should be initiated and taken up here and then sent to the Council. I can quite appreciate that position; but unfortunately that convention can only be followed provided both the Houses agree. I cannot possibly, sit in this House, create a convention requiring the other House to follow it. That will be against all conventions. For the time being, the only question that is open to me is to see whether it is in order. But I do not think it is within the competence of the Speaker to question the legality of a decision as regards the method of procedure in a matter followed by the other House. Suppose a Bill is passed here, it would similarly be not desirable for the other House to try to find out whether the requirements of rules and procedure had been fulfilled. For example, certain sanctions or recommendations are required whether these things have been done or not, it is for this House and this House alone to decide. I think Dr. Sanyal will agree with me that once a proceeding is finished its validity should not be questioned. It is only in the House where it is required that should ordinarily be the place to decide it.

Dr. NALINAKSHA SANYAL: May I know where you get that?

Mr. SPEAKER: Section 87, which says that "the validity of any proceedings in a Provincial Legislature shall not be called to question on the ground of any alleged irregularity of procedure".

Dr. NALINAKSHA SANYAL: That is with regard to court. Will you kindly see the marginal notes?

Mr. SPEAKER: I am sorry, but I think my lawyer friends will agree with me that the marginal notes are never intended to take away the clear meaning of a section in an Act. Anyway, there are only two issues: one is the question of convention, and I have given my decision bearing on this. The other question is that of law as to whether this amendment is in order or not. Dr. Sanyal will I think agree with me that section 82, as I have interpreted it, provides that a Bill making provision as required under section 82 (*i*) (*b*) and (*c*) cannot be introduced except in this House. But there is no bar to an amendment being moved.

Dr. NALINAKSHA SANYAL: Section——

Mr. SPEAKER: I think Dr. Sanyal is carried away by his own ideas instead of hearing what others say. I draw his attention to the question of introduction of a Bill. Here the section says: "A Bill or amendment making provision shall not be introduced or moved except on the recommendation of the Governor and a Bill making such provision shall not be introduced in a Legislative Council" [82 (*1*) (*c*).] In other words, the latter part does not control the amendment at all.

Dr. NALINAKSHA SANYAL: The latter part does not——

Mr. SPEAKER: Dr. Sanyal, it would be impossible for me to carry on if you make interruptions like this. The previous part is only concerned with the recommendation of the Governor and the latter part is only concerned as to where a Bill but not amendment is to be introduced. These are two separate issues so far as this Bill is concerned. The question whether the amendment has been passed in the other House on the recommendation of the Governor is a matter which I would be very reluctant to find out ordinarily; that is a matter for that House to enquire and I should presume generally that what was done was done in accordance with requirements of law. It is certainly within my jurisdiction to find out whether it can be introduced here or not. I find that this Bill is a Bill which was introduced in this House and as such when it did go to the other House an amendment proposed was permissible. Any way, for the time being, as I have interpreted, there is no bar to this Money Bill being amended in the other House in the manner it has been done.

Mr. TULSI CHANDRA GOSWAMI: Sir, may I take it that the whole Bill will be thrown open for discussion and any amendments are permissible?

Mr. SPEAKER: Yes; so long as they are relevant. Our Rules and Standing Orders are that only relevant things can be moved.

Mr. TULSI CHANDRA GOSWAMI: May I know if any motion for rejection or reduction of the amount passed by the other House is permissible?

Mr. SPEAKER: That motion will be in order. When a motion is moved you can discuss every aspect of that motion.

Mr. TULSI CHANDRA GOSWAMI: Thank you, Sir.

The Hon'ble Khwaja Sir NAZIMUDDIN: I beg to move that the following amendment made by the Bengal Legislative Council to the Bengal Famine Insurance Fund Bill, 1937, be taken into consideration, namely, "that in clause 4 for the word 'five' the word 'ten' be substituted."

Dr. NALINAKSHA SANYAL: Sir, may I at this stage ask if the amendment moved by the Hon'ble Minister has got the previous consent of the Governor?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think any previous sanction is necessary, because it is assumed that the sanction has already been obtained in the Legislative Council and, therefore, as the thing has come from there no further sanction is necessary here.

Dr. NALINAKSHA SANYAL: Sir, are you going to have this assumption?

Mr. SPEAKER: I do not think I will be a party to giving any further power to the Governor than what is already there. I think that it is within the competence of this House to consider this motion and I hold that this motion is in order.

Dr. NALINAKSHA SANYAL: This is my difficulty: I want to know whether the motion which has just been moved or the amendment which is now proposed has got the previous sanction of the Governor.

Mr. SPEAKER: The proviso to section 82 (*1*) of the Government of India Act says that a Bill or amendment shall not be introduced or moved except on the recommendation of the Governor. Here the procedure to be adopted is this: Whatever might have occurred in the Council we are not going to take that into account. We are going to consider the motion that is before us, as if it has come from the other House.

Dr. NALINAKSHA SANYAL: May I submit that Government are not moving any amendment whatsoever. They are simply placing an amended Bill before the House and moving that that amended Bill may be approved.

Mr. SPEAKER: I do not understand how this procedure has been arrived at. Do you mean to say that Government are merely placing the Bill before the House and that you do not formally move that amendment, Sir Nazimuddin?

The Hon'ble Khwaja Sir NAZIMUDDIN: We do, Sir. The thing has been amended already.

Mr. SPEAKER: You are moving a fresh amendment.

The Hon'ble Khwaja Sir NAZIMUDDIN: It has already been amended.

Mr. SPEAKER: But that has not been amended by this House.

The Hon'ble Khwaja Sir NAZIMUDDIN: That has been amended by the Legislative Council.

Mr. SPEAKER: But where is the motion?

The Hon'ble Khwaja Sir NAZIMUDDIN: It means the motion which is placed before the House for discussion.

Dr. NALINAKSHA SANYAL: Sir, the House may adjourn for prayer now. We can discuss the matter after adjournment.

Mr. SPEAKER: Yes. The prayer adjournment comes in here very conveniently.

(The House was then adjourned for fifteen minutes.)

(*After adjournment.*)

Mr. SPEAKER: My attention was drawn just before we adjourned for a few minutes for prayer to the procedure which we should follow in the matter of a Bill returned to this House. I have since then seen the Rules and Standing Orders of this House. Under section 79 of the Bengal Legislative Assembly Rules and Standing Orders, if a motion that the amendments be taken into consideration is carried, the Speaker shall put the amendments to the Assembly, in such manner as he thinks most convenient for their consideration. This contemplates two stages.

The first stage is to move that the amendments be taken into consideration. It is at this stage that the Hon'ble Minister has moved that the amendment in connection with the Famine Insurance Fund Bill be taken into consideration. The next stage will come when the specific amendment which has been carried in the other House would be placed again before this House. That is a matter which, under the Rules, the Speaker has to put in such manner as he thinks most convenient for the consideration of the House. Without making a final decision in the matter of procedure, the procedure that I wish to follow for the time being is this: the motion has been moved and it will be open to discussion and after that I will place the motion before the House. If the motion is carried then I will place one amendment after another. Each of these amendments will be open to discussion and placed before the House. If it is carried, then a message in accordance with Rule 80 of the Rules and Standing Orders will be sent to the other House, whether the amendment has been agreed to or disagreed or further amended. That is the procedure which I wish to follow for the time being without taking any final decision definitely in the matter, because it would require more looking into as to what our future procedure ought to be.

Dr. NALINAKSHA SANYAL: May I draw your attention, Sir, to Rule 82, where it is stated that in the case of a Government Bill any member on behalf of Government, or in the case of any other Bill, any member may give notice of his intention to move that the Bill be taken into consideration? I presume that according to this rule, the Hon'ble Minister has given notice of "consideration" only, so that the question of amendments does not arise at all.

Mr. SPEAKER: I think, Dr. Sanyal, if you follow the practice and convention which is followed in connection with all Bills, you will see that the first stage is to take the Bill into consideration. Take any particular Bill, containing say, 9 sections. The Minister in charge or a member in charge moves that the Bill be taken into consideration, but he does not move the clauses. No motion about the clauses is moved at all. The fact that a motion that a Bill be taken into consideration is passed, *ipso facto* implies that the House is inclined to proceed with all the clauses of the Bill, and as such, supposing there is no amendment to any particular clause of the Bill, the Speaker immediately places before the House the question, namely, that the question before the House is that clause so and so stand part of the Bill. It is exactly the same procedure that has been followed here, namely, the first stage implies that as soon as the motion is carried it denotes that the House wants the amendments which have been moved to be taken into consideration. (Dr. NALINAKSHA SANYAL: Separately?) Yes, separately. They will be taken into consideration separately, one after another, and if there is

any amendment, the Speaker will immediately place that amendment before the House, specifically.

Dr. NALINAKSHA SANYAL: Is it your ruling that these two stages can be taken on one and the same day?

Mr. SPEAKER: Yes, there is no bar to their being taken on the same day.

Mr. SANTOSH KUMAR BASU: May I point out that the motion which is now placed before this House for consideration is this particular amendment and nothing else? So will it be open to the House to go into the other clauses of the Bill?

Mr. SPEAKER: Yes, if permissible under the rules, you can.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have nothing further to state. It is purely a formal matter and I hope the House will agree to it.

Dr. NALINAKSHA SANYAL: At this stage no discussion of the amendments can be taken into consideration?

Mr. SPEAKER: Yes, you may do so, if you desire.

I will simply take one amendment after another and ask the House its opinion. Of course it is open to the House to discuss this matter.

Dr. NALINAKSHA SANYAL: We would like to discuss the amendment, Sir.

Mr. SPEAKER: Yes, it is open to discussion. (After a pause) I take it, therefore, that there is no intention to discuss the question at this stage. Therefore I put the question: The question is that the amendment made by the Bengal Legislative Council to the Bengal Famine Insurance Fund Bill, 1937, be taken into consideration.

The motion was put and agreed to.

Mr. SPEAKER: The question before the House is the amendment which has been made to the Bengal Famine Insurance Fund Bill, 1937, namely, that, in clause 4 for the word "five" the word "ten" be substituted.

Dr. NALINAKSHA SANYAL: But, Sir, this motion has not yet been moved.

Mr. SPEAKER: I have already decided that no actual moving is necessary. This motion is now open to discussion.

Dr. NALINAKSHA SANYAL: Thank you, Sir.

May I just oppose this amendment, not so much with a view to show that we, on this side of the House, are in any way less anxious to make ample provision for famine insurance, but because of two fundamental principles. The members of this House are already aware of the various kinds of reservation that have been made in the balances of the Government of Bengal. The Hon'ble the Finance Minister, in course of his budget statement, has stated that, although he has got a very big amount as surplus, yet this surplus is not really a "free" surplus, because a part of it, a very substantial part of it, has to be kept with the Reserve Bank of India as Government's minimum balance. There are also other portions that have got to be reserved for certain subventions. I submit that this sort of ear-marking of balances will lead to serious complications for future years when in emergencies we may have to draw upon our own balances. I feel that in a particular year if we do not have more than a certain sum, namely, Rs. 5 lakhs to spend as the Hon'ble Finance Minister, and the Revenue Minister made it clear in the past, there is no meaning in setting apart a larger sum just now to give a start to the Famine Insurance Fund. I know that after a few years there cannot be any meaning of making a beginning either with Rs. 5 lakhs or Rs. 10 lakhs, but for the next two or three years it will matter. In the second place, as I have already made clear in the course of my privilege motion, I object to the interference of the Legislative Council in matters of financial adjustment and financial dispensation——

Maulvi ABDUL BARI: Are you opposing the amendment or supporting the amendment?

Dr. NALINAKSHA SANYAL: My friend ought to be able to understand from the trend of my arguments that I am opposing. I find that although this House has not got the technical power to refuse to discuss this changed Bill as amended in the Council, there is certainly the power of this House to create a convention by refusing to accept any alteration in the Bill as was passed by this Assembly. By so doing we shall create the healthy convention of assuming maximum power for the democratic body in a bicameral legislature which is enjoyed by every democratic state in the world. I, therefore, have to oppose this amendment and I would most sincerely beg of the members of the Assembly to oppose this amendment so that there may be a convention created that in money matters we shall not brook any interference by the Council.

In this particular Bill apart from the provision for increasing the initial contribution from Rs. 5 lakhs to Rs. 10 lakhs, there is the proposal which involves also an increase in the charged revenue of the Government. Section 82 of the Government of India Act does lay down that in every case of increase of charged expenditure no Bill or amendment can be moved without the previous consent of the Governor and no Bill can be initiated by the Council. In this case although it was not in the form of a Bill this increase, I submit, was initiated by the Council and I would like to ask the honourable members of this House if they would accept this position of subservience to the Council in matters of money. With these words, Sir, I oppose this motion for raising the amount from Rs. 5 lakhs to Rs. 10 lakhs.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, let me, first of all, deal with the second point that has been raised. The important point as regards a Finance Bill is that it should not be initiated in the Legislative Council. But the question of amendment is quite different. The right of initiation has been left to the Legislative Assembly, the House which is the representative body. The Legislative Council can amend any Bill that has been initiated in the Legislative Assembly, but it has got to come back to the Legislative Assembly. Therefore, I do not see how the privilege of the Assembly is in any way affected by this, and besides that where the Legislative Council has got a right according to the law, merely by convention you cannot take away that right especially when that body is not an agreeing party. Therefore, I suggest that unless there can be some kind of amicable arrangement between the members of the Legislative Council and of the Legislative Assembly, this question is not a practical proposition, and it is not advisable for this House to express any opinion on it at the present time, because that only estranges the relationship between the two Houses.

The second point is that the Hon'ble the Finance Minister in making the budget speech drew the attention of the Members of this House to the fact that in stating that the one crore is not a free balance, he took into consideration the additional five lakhs that he has to provide over and above that which has already been provided in the Bill. Besides that, actually it does not, from the financial point of view, make very much difference. This money Government are committed to provide ultimately. The question is whether it should be by means of an annual contribution of two lakhs or whether Government should provide for 5 lakhs now and ultimately make up the other 2 lakhs in another four or five years. In certain respects it is advisable to do so now, because you have got the available surplus, and this money you can put in a Bank and reserve it for famine insurance. It may be that three years hence, God forbid, there is a serious famine and your financial position at that time is bad, and you may not be in a position to

build up this fund. So if the members of this House consider that the building up of a famine insurance fund is in the best interests of the public, of the masses, of the poor people, then it is better to have that fund available as quickly as possible, so that in case of an emergency there was necessity for drawing of this money. From the point of view of the masses and the agriculturists I do not see how any member can oppose the building up of this fund which is going to be used in the case of an emergency, in the case of relieving distress, especially when the money is available. It is a fact that this money is being given away in preference to some other claim, but this is being done as the budget surplus is there available and I do not see why we should not put in five lakhs if it is there. (Dr. NALINAKSHA SANYAL: It is a question of 10 lakhs.) As far as the first five lakhs is concerned, this House has already agreed to that, and it is the other five lakhs with which I am now concerned here. (Dr. NALINAKSHA SANYAL: What about the Governor's sanction?) The Speaker's ruling is very clear, and I do not want to say anything which will have anything to do with the Speaker's decision on this question. And I think the Speaker has enunciated a principle to-day which is not only sound but is also in the best interests of both the Houses. The idea of criticising or finding out whether the procedure followed in the other House is legal or illegal, correct or incorrect, is not going to be of any use whatsoever, especially when there are technical mistakes supposed to have been committed which can be corrected under Section 109. Therefore I do not think this question is of any importance whatsoever in view of the ruling which has been given by the Speaker, and I hope the House will support this Bill.

Mr. SANTOSH KUMAR BASU: In view of the observations made by the Hon'ble Minister, may I assure him and the House on the authority of my Deputy Leader that on the merits of this question we are entirely in accord with what the Hon'ble Minister has said that an increase in the Famine Insurance Fund is really called for and justified at the present moment having regard to the surplus which is available? But so far as the other point is concerned, Dr. Sanyal has raised the question of privilege and position of the House, and it is unfortunate that it had been raised in this connection. But because this is the first Bill before the House which involves the issue. I may say again that so far as the merits of this provision are concerned, we are entirely in favour of the increased provision.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I speak a word by way of personal explanation? The members were objecting to the Bill on a point of principle——

Mr. SPEAKER: In view of the statement made by Mr. Santosh Kumar Basu, I think no personal explanation from you is called for.

Dr. NALINAKSHA SANYAL: I did make it clear also at the very beginning that we are not opposed to the increased provision, but in spite of that if the Hon'ble Minister puts a mischievous interpretation, he is wrong.

Mr. SPEAKER: I think, the last part of your statement is wholly unparliamentary.

Dr. NALINAKSHA SANYAL: I beg to withdraw the word "mischievous" and instead of "mischievous" I say, unfortunate interpretation.

Mr. SPEAKER: I hope, the atmosphere has now been cleared, so far as the amendment is concerned.

The motion that in clause 4 for the word "five" the word "ten" be substituted was then put and agreed to.

Mr. SPEAKER: The necessary message would be sent by Secretary.

The Bengal Legislative Chambers (Presidents and Speakers Salaries) Bill, 1937.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that the following amendments, made by the Bengal Legislative Council, to the Bengal Legislative Chambers (Presidents and Speakers Salaries) Bill, 1937, be taken into consideration, namely:—

(*i*) that in clause 2 (*a*) for the words "one thousand five hundred" the words "two thousand" be substituted, and

(*ii*) in clause 2 (c) for the words "two thousand", the words "three thousand" be substituted.

The motion that the amendments made by the Bengal Legislative Council, to the Bengal Legislative Chambers (Presidents and Speakers Salaries) Bill, 1937, be taken into consideration, was put and lost.

Mr. SPEAKER: I would now like to know exactly what procedure the Government wants to follow with regafd to this Bill?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, what we would like to know is whether this House agrees with the amendment or not. Because, that is the point. If it does not agree with the amendment that has been moved, then it has got to go back to the Council again.

Mr. JOGESH CHANDRA GUPTA: My submission is this. This House has passed a Bill and in the other House when the Bill was placed, they proposed certain amendments and when it came back to this House, the motion was put and this House has decided not to take into consideration those amendments. Therefore the Bill as originally passed after having been sent to the other House now will be made into Law. The Bill as originally passed had gone there. If the amendment was taken into consideration then there could have been a question of a changed or an amended Bill going up again. I think the Speaker has already given his verdict——

Mr. SPEAKER: I think Mr. Gupta is partly right and partly wrong. The correct procedure in this case is that instead of taking every single item of the amendment item by item the House has not taken into consideration the Bill at all. The sum total of that is that the House does not agree in substance with any of the amendments that have been put to the House. The only alternative therefore is for me as the Speaker of this House to send a message under Rule 80 that this Assembly disagrees with the amendments which have been proposed, and it is for Government thereafter to take up the matter further as is necessary under the Law.

There is no other official business to-day. The House stands adjourned.

Adjournment.

The House was then adjourned till 4-45 p.m. on Wednesday, the 2nd March, 1938, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 2nd March, 1938, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, eleven Hon'ble Ministers and 218 members.

STARRED QUESTIONS

(to which oral answers were given)

***115A. Mr. MD. BARAT ALI:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) whether it is a fact that rents are being realised from the tenants of the Court of Wards estates by the adoption of Certificate Procedure in these days of economic distress;

(*b*) if the answer to (*a*) is in the affirmative, are the Government considering the desirability of discontinuing the practice at once?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) and (*b*) The instructions of the Court are to make discriminate use of this procedure and Government believe that these instructions are being followed.

It has been decided, however, to suspend the issue of fresh certificates for the collection of rent in the Court of Wards and Government estates for a period of two years, from the 1st of Baisakh 1345 B.S. Certificates (for one year's rent only) which are necessary to prevent arrears of rent from being barred by limitation, may, however, be filed before that date.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble the Chief Minister consider the desirability of bringing a fresh legislation in the light of the experience gained in the course of suspension of the issue of fresh certificates during these two years?

The Hon'ble Mr. A. K. FAZLUL HUQ: I may add, Sir, in answer to the question that has been put, that towards the end of this period

of two years Government will consider the desirability of bringing a Bill or taking such steps as circumstances may require in the light of the experience that may be gained.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether he is prepared to give a short notice amendment to Maulvi Abu Hossain Sarkar's Bill to the effect, as he has stated, of suspending the application of certificate procedure for two years?

Mr. SPEAKER: That question does not arise.

Maulvi ABDUL BARI: What will be the effect of this order with regard to the cases that are going to be barred by limitation?

The Hon'ble Mr. A. K. FAZLUL HUQ: Certificates have been allowed to be filed only for one year.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state whether the powers of issuing certificates given to private landlords are proposed to be withdrawn pending the passing of the Bengal Tenancy (Amendment) Bill?

The Hon'ble Mr. A. K. FAZLUL HUQ: As my friend is aware, we have made an amendment to the Bengal Tenancy (Amendment) Bill. We do not know what will happen. If the Bill passes into law, then no difficulty will arise, but if there is any difficulty, Government will certainly consider the question of suspending the power of issuing certificates by private landlords.

Mr. NISHITHA NATH KUNDU: Is it a fact that there is a press circular to the effect that a certificate-holder may purchase the holding in question for three pies only and then bring other holdings to sale for the balance of the claim?

Mr. SPEAKER: That question does not arise.

Complaints against the management of the Berhampore Detention Camp.

*116. **Mr. NAGENDRA NATH SEN:** Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*a*) have Government received any complaints against the management of the Berhampore Detention Camp;

(*b*) who is the Commandant of the said Camp;

(*c*) how many guards are there;

(*d*) how many of them are:—

(*i*) Non-Bengalis, and

(*ii*) Pathans;

(*e*) who is the Medical Officer in charge of the Camp;

(*f*) is it a fact that Medical Officers do not go inside the Camp, but patients are required to come out to get them examined;

(*g*) what is the proportion of attendants to boarders;

(*h*) is it a fact that lights are put out at 9-30 p.m.;

(*i*) what arrangements are there for games;

(*j*) whether it is a fact that the censoring is very strict, and University text-books even are withheld;

(*k*) are the boarders locked up at night at 9-30 p.m. and opened at 6 a.m.; and

(*l*) is it a fact that the water supplied is not filtered?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) Yes.

(*b*) Major T. Woodcock.

(*c*) 193.

(*d*) (*i*) All.

(*ii*) 63.

(*e*) Dr. S. C. Majumdar, M.B.

(*f*) Medical Officers go inside the Camp, but since a Medical Officer was assaulted by detenus, the practice is to restrict the visits of doctors to the detenus' quarters as far as practicable.

(*g*) One attendant for 5 detenus in the kitchen; one attendant for 4 detenus in barracks.

(*h*) No.

(*i*) There are adequate arrangements both for indoor and outdoor games.

(*j*) Censoring is done according to the orders of Government. University text-books are allowed.

(*k*) No.

(*l*) Drinking water is supplied from the municipal water connection and is pure.

Mr. ATUL KRISHNA GHOSE: With reference to reply (*h*) will the Hon'ble Minister be pleased to state if the lights are not extinguished at 9-30 p.m., at what time they are put out?

The Hon'ble Khwaja Sir NAZIMUDDIN: 9-45 p.m.

Mr. ATUL KRISHNA GHOSE: With reference to reply (*j*) will the Hon'ble Minister be pleased to state whether the "Amrita Bazar Patrika" and the "Ananda Bazar Patrika" are also censored and withheld?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, I believe they are.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the reason why the "Amrita Bazar Patrika" and the "Ananda Bazar Patrika" are censored and withheld?

Mr. SPEAKER: That question does not arise.

Mr. NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state with reference to answers (*a*) and (*d*) (*i*), why there is not a single Bengali out of the 193 guards?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the hon'ble member to answer (*d*) (*i*).

Mr. NAGENDRA NATH SEN: I asked the Hon'ble Minister to state why among the 193 guards in the Detention Camp of Berhampore there is not a single Bengali guard?

The Hon'ble Khwaja Sir NAZIMUDDIN: These people were appointed before this Government came into office.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to answer (*a*) will the Hon'ble Minister be pleased to state if he has taken any action for remedying the matters mentioned in the complaints against the management?

The Hon'ble Khwaja Sir NAZIMUDDIN: Only three persons are now left in the Berhampore Detention Camp.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state what is the name of the Medical Officer who is alleged to have been assaulted?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with reference to his answer just given, if any or all

of these persons left in that Detention Camp are suffering from any ailments now?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that detenus in the Berhampore Detention Camp had all along been put in lock-up after 9 p.m.—a practice which was not prevalent in other camps?

Mr. SPEAKER: That question does not arise.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state with reference to answer (*i*) the nature of the games —indoor and out-door—provided for.

The Hon'ble Khwaja Sir NAZIMUDDIN: Badminton, ping-pong, football, tennis, cricket, etc.

Mr. ATUL CHANDRA GHOSE: With reference to answer (*f*), are we to understand that even in case of emergency doctors won't visit the patients in their quarters?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly not.

Arrest of Babu Gunindra Nath Mitra.

*117. **Mr. RASIK LAL BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Home (Special) Department aware—

(*i*) that Babu Gunindra Nath Mitra, son of Babu Surendra Nath Mitra, Pleader, Habiganj, Assam, is a detenu in village domicile at Mohanpur in the district of Rajshahi; and

(*ii*) that the said Gunindra Nath was living with his father in Assam since his infancy and was for the first time in August, 1935, sent by his father to his native home in the subdivision of Narayanganj, district Dacca, for family affairs and only a few days later in September, 1935, he was arrested by the Intelligence Branch Police of Dacca and made a detenu?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) what were the charges against him that required his arrest; and

(*ii*) whether he was arrested at the instance of the Bengal Police or of the Assam Police?

(*c*) Is it a fact that the said detenu has been in village domicile for above two years?

(*d*) If so, why has he not been domiciled at home in accordance with the policy of release announced by the Hon'ble Minister on the 8th August last on the floor of the Assembly House?

(*e*) Is it a fact that Babu Surendra Nath Mitra, father of the said detenu, applied to the Government for releasing him?

(*f*) If so, why has he not been released in accordance with the policy of release as announced by the Hon'ble Minister as aforesaid?

(*g*) Has the Hon'ble Minister considered this case with a view to finding whether it is a case for immediate release?

(*h*) If the case has not been considered as yet, what are the reasons?

The Hon'ble Khwaja Sir NAZIMUDDIN: The individual referred to was arrested at Dacca in September, 1935, and his case has been dealt with in accordance with the provisions of sections 2 and 9 of the Bengal Criminal Law Amendment Act, 1930. His case has been examined in accordance with the provisions of the Act and the declared policy of Government and he will shortly be domiciled in his home.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state what were the charges against him.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid I cannot say that.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state at whose instance this young man was arrested whether at the instance of the Bengal Police or the Assam Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have nothing further to add on the subject.

Rules regarding travelling allowances of the Hon'ble Ministers.

***118. Dr. NALINAKSHA SANYAL:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) the rules guiding the drawing of travelling or tour allowances by the Ministers of Government, as existed before the 1st April, 1937, and as are in force now; and

(*b*) the names of the Ministers, if any, who had presented travelling or tour bills for going to Lucknow or Berhampore during the month of October, 1937?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) The rules in force before the 1st April, 1937, will be found in Subsidiary Rules 97 and 98, a copy of which has been placed in the Library. The rules in force at present are the same subject to certain amendments, now in the hands of the draftsmen, which will shortly be promulgated.

(*b*) A statement has been placed on the Library table.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the amendments now?

The Hon'ble Mr. NALINI RANJAN SARKER: You will know them in due time.

Interview between His Excellency Sir John Anderson and Mr. Gandhi about detenus.

***119. Mr. NAGENDRA NATH SEN:** Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*a*) whether there were interviews between Mr. M. K. Gandhi and His Excellency the Governor about detenus, internees and externees;

(*b*) if so, whether any detenus have been released since then;

(*c*) if the answer to (*b*) is in the affirmative, how many of the released were—

(*i*) males,

(*ii*) females,

(*iii*) were released with condition, and

(*iv*) without any condition;

(*d*) whether any allowance or sumptuary grant has been or will be paid to them—

(*i*) if the answer to (*d*) is in the affirmative, to how many, and

(*ii*) the amounts paid or to be paid;

(*e*) whether those released include any who had been in detention in Deoli, or Hijli, or Buxa Duars or Berhampore;

(*f*) what is the longest term for which these detenus had been detained;

(*g*) whether there is any bar to these released detenus entering into Government service; and

(*h*) whether the age-bar rule for entry into Government service is applicable in their cases?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) An interview took place between His Excellency Sir John Anderson and Mr. Gandhi but I am unable to state what matters were discussed.

(*b*) and (*h*) Yes.

(*c*) The number increases from day to day and strict accuracy is impossible but the least favourable view of the position now is as follows:—

(*i*) 1,291.

(*ii*) 10.

(*iii*) 1,149.

(*iv*) 152.

(*d*) The hon'ble member is invited to read the *communiqué* recently issued on the subject on 5th January, 1938, which contains a fuller statement than would be possible here to-day.

(*e*) They do.

(*f*) I regret that the information is not readily available.

(*g*) No.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to say the nature of the conditions imposed on the 1,149 detenus mentioned in the answer to question (*c*).

The Hon'ble Khwaja Sir NAZIMUDDIN: Under the Criminal Law Amendment Act, either under 2 (*1*)(*a*), (*b*), (*c*) or only 2 (*1*) (*a*) (*b*).

Intimation to the Police regarding change of residences of the released detenus.

***120. Mr. DHIRENDRA NATH DATTA:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether the Government are considering the desirability of withdrawing the condition of informing the police on every change of residence that has been imposed upon the detenus who have been recently released?

(*b*) If the answer to clause (*a*) is in the negative, will the Hon'ble Minister be pleased to state the reasons?

(*c*) Is the Hon'ble Minister aware that this condition in its practical working has caused inconvenience to the persons recently released and has hampered their normal avocation?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) and (*c*) The order, so far from operating as a disability, facilitates assistance.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware of the fact that a detenu whose name is Makhan Chandra Das and who was a member of the B.P.C.C. and recently released, was not allowed to leave the district of Tippera for Calcutta to enable him to attend the election which was held for electing members to the Committee, and was not allowed to take part in the meeting?

Mr. SPEAKER: In a question of a general character, I have all along ruled that it would not be proper to ask a question affecting an individual. It must be ruled out unless you want to get some further information on the principle itself.

Mr. DHIRENDRA NATH DATTA: Very well, Sir. I will put the question in this form. Is the Hon'ble Minister aware that a detenu who is a member of the B.P.C.C. was not allowed to leave Tippera to attend the meeting of the B.P.C. Committee which was held at Calcutta for electing members?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Mr. SURENDRA MOHAN MAITRA: Will the Hon'ble Minister be pleased to state what is the significance of the words "change of residence"?

The Hon'ble Khwaja Sir NAZIMUDDIN: If a detenu goes from one place to another outside his district or his subdivision he has got to notify it to the local police.

Mr. SURENDRA MOHAN MAITRA: Does it imply that even the absence from his home for two hours or three hours and residing in another district for another two or three hours will mean "change of residence"?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. SURENDRA NATH BISWAS: Does the Hon'ble Minister desire that this conditional release of young men should operate against their pursuing the normal avocations of life?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Sir, I beg to submit that it arises in this way. The Hon'ble Minister in his reply says: "The order, so far from operating as a disability, facilitates assistance", and my question is—does the Hon'ble Minister desire——

Mr. SPEAKER: That is not a question for eliciting information. It is a request for action.

Mr. NIHARENDU DUTTA MAZUMDAR: With regard to the answer to questions (*b*) and (*c*), will the Hon'ble Minister be pleased to state what he means by the word "assistance"—assistance to whom?

The Hon'ble Khwaja Sir NAZIMUDDIN: To the detenus.

Mr. NIHARENDU DUTTA MAZUMDAR: In what respect?

The Hon'ble Khwaja Sir NAZIMUDDIN: In getting their allowances.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that in cases of conditional release of young men they are not getting suitable appointments, because they have still to notify their change of address to the police?

The Hon'ble Khwaja Sir NAZIMUDDIN: Quite a number of detenus have personally seen me from time to time, but not one of them has made a complaint that because of this order he has not been able to get any employment.

(Mr. Surendra Nath Biswas rose to put another supplementary question.)

Mr. SPEAKER: Order, order. We have already lost a good deal of time on supplementary questions on a non-official day. I am sure the House must be anxious that non-official business should be taken up as quickly as possible.

Daily allowance of Ministers when on tour.

*121. **Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) what is the daily allowance that has been fixed when the Ministers go out on tour;

(*b*) what was the daily allowance that used to be drawn when the ex-Ministers, namely, the Ministers before the Government

of India Act of 1935 came into operation, went out on tour;

(*c*) if the answers to (*a*) and (*b*) show an increase in the rate of the daily allowance, what is the reason for increasing it;

(*d*) what is the mileage allowance that has been fixed when the Ministers go out on tour;

(*e*) what is the number of attendants which the Minister on tour is entitled to take when the Minister goes out on tour; and

(*f*) what was the number of attendants which the Minister before the Government of India Act, 1935, came into operation, was entitled to take when they used to go out on tour?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) Rs. 15, in addition to travelling expenses, for every day of absence on tour and Rs. 25, instead of Rs. 15, for any day on which a halt is made outside Bengal.

(*b*) Rs. 15 for days of halt on tour, whether inside or outside Bengal.

(*c*) The old rates were found to be insufficient to cover the expenses incidental to tours by Ministers.

(*d*) and (*e*) I would refer the hon'ble member to Subsidiary Rules 97 and 98, a copy of which is placed on the Library table.

(*f*) The same as at present.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there are any other rules, than subsidiary rules 97 and 98, governing the conditions under which Hon'ble Ministers can draw their travelling and tour allowances?

The Hon'ble Mr. NALINI RANJAN SARKER: I think there are one or two others.

Dr. NALINAKSHA SANYAL: Will he please state if any declaration as to the nature of business to be performed by an Hon'ble Minister is necessary?

The Hon'ble Mr. NALINI RANJAN SARKER: No.

Dr. NALINAKSHA SANYAL: Is it impermissible for an Hon'ble Minister to draw travelling allowance when he goes on tour on private business, e.g., to attend party meetings such as the one recently held at Berhampore?

The Hon'ble Mr. NALINI RANJAN SARKER: That, Sir, I submit, is a hypothetical question.

Dr. NALINAKSHA SANYAL: Sir, I submit that this was actually drawn, for the Hon'ble Minister has actually stated in reply to a previous question and in the statement laid on the Library table that daily allowance and cooly hire were, in fact, drawn, and that the Ministers travelled on requisition, so far as the tour to Berhampore is concerned?

The Hon'ble Mr. NALINI RANJAN SARKER: They went to Berhampore on public business.

Dr. NALINAKSHA SANYAL: Is there any rule for ascertaining whether an Hon'ble Minister is going on tour on public duty or not?

The Hon'ble Mr. NALINI RANJAN SARKER: When Hon'ble Ministers go on tour and present travelling bills, it must be presumed that they went on public duty.

Mr. JOGESH CHANDRA GUPTA: With reference to answer (*c*), will the Hon'ble Minister please tell us on what grounds he holds that the former allowances were insufficient?

The Hon'ble Mr. NALINI RANJAN SARKER: Because we have found it so.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state since when these allowances were found to be insufficient?

The Hon'ble Mr. NALINI RANJAN SARKER: Since October last.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state if the prices of ministerial rations have gone up since then?

Mr. SPEAKER: That question does not arise.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state if there is anything in the rules which gives rise to a presumption that tours of Hon'ble Ministers are always undertaken in public interest?

The Hon'ble Mr. NALINI RANJAN SARKER: There is nothing in the rules.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the new rates of daily allowance mentioned in answer (*a*) are in excess of what the Hon'ble Judges of the High Court are permitted to draw?

The Hon'ble Mr. NALINI RANJAN SARKER: In case of places outside Bengal, they are in excess; otherwise not.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that European Executive Councillors in the last Government took only Rs. 15 per diem, and that they considered it sufficient?

The Hon'ble Mr. NALINI RANJAN SARKER: But they used to get more than Rs. 5,000 per month.

Payment of insufficient travelling allowances to the released detenus.

***122. Mr. NISHITHA NATH KUNDU:** (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware—

(*i*) that several detenus were not paid travelling allowance sufficient to cover their railway fares, luggage charges, motor hire, hackney carriage hire, fooding charges, etc., while they were given release orders very recently; and

(*ii*) that inadequate travelling allowances, etc., were given to (1) one ex-detenu Srijut Debadideb Roy who was at Pirganj police-station in Dinajpur and was to go to village Bandabani in Bankura (police-station Raipur); (2) one Srijut Jyotish Roy who came to Dinajpur town; and (3) one Srijut Madhab Roy who came to Hili?

(*b*) Is the Hon'ble Minister also aware that one Srijut Mohit Sarkar of Dinajpur town has yet to report himself to Kotwali police-station daily at 5 p.m.?

(*c*) If the answer to (*b*) is in the affirmative, are the Government contemplating withdrawal of the said order? If not, why not?

(*d*) If the answers are in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering it desirable to issue instructions for the removal of the inconveniences in future?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) No.

(*c*) and (*d*) Do not arise.

Appointments in the Agriculture and Industries Department since 1st April, 1937.

*123. **Mr. MD. ABUL FAZAL:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*a*) the total number of appointments made in the various departments and branches under his charge since 1st April, 1937; and

(*b*) the number of Mussalmans among them?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): A statement is laid on the table.

Statement referred to in the reply to starred question No. 123.

	Number of appointments made since 1st April 1937.	Number of Muslims appointed.
Civil Veterinary Department ..	18	4
Bengal Veterinary College	7	3
Industries Department	39	27
Agriculture Department	74	35
Royal Botanic Garden	2	1
Total ..	140	70

Mr. KSHETRA NATH SINCHA: Will the Hon'ble Minister be pleased to state whether he has taken into consideration the case of members of the scheduled castes?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Sir, I submit that this question does not arise out of the original question.

Mr. SPEAKER: Yes, I should think so.

Study leave to Bengal Medical Service officers.

***124. Rai HARENDRA NATH CHAUDHURI:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the names of the members of the Bengal Medical Service—Senior or Junior—together with their qualifications who applied for study leave since the present Government came into office; and

(*b*) the names and qualifications of those whose applications for such leave have been granted?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Syed Nausher Ali): Statements are laid on the table.

Statement referred to in the reply to clause (a) of starred question No. 124.

LIST OF BENGAL MEDICAL SERVICE OFFICERS WHO SUBMITTED APPLICATIONS IN THE PRESCRIBED FORM TO THE SURGEON-GENERAL FOR STUDY LEAVE EX-INDIA AFTER 31ST MARCH, 1937.

	Name.	Qualification.
1.	Dr. Subodh Ch. Gupta ..	M.B.
2.	Dr. Ajit Kumar Dutta Gupta	M.B., D.T.M.
3.	Dr. Habibuddin Ahmed	M.B.
4	Dr. Abdur Rahman ..	M.B.
5.	Dr. Amarendra Nath Nayak ..	M.B.
6.	Dr. Nawab Ali ..	M.B., D.T.M.
7.	Dr. A. K. M. Abdul Wahed .	M.B.
8.	Dr. Pulin Behari Bhattacharji ...	M.B., D.T.M.
9.	Dr. Md. Khabir .	M.B.
10.	Dr. Anath Bandhu Banerji ...	M.B.

Statement referred to in the reply to clause (b) of starred question No. 124.

LIST OF BENGAL MEDICAL SERVICE OFFICERS GRANTED STUDY LEAVE AFTER 31ST MARCH, 1937.

	Name of officer.	Qualification.
1.	Dr. Dinesh Chandra Chakravarty ...	F.R.C.S.E.
2.	Dr. A. K. M. Abdul Wahed .	M.B.
3.	Dr. Monsural Rahman ..	M.B.
4.	Dr. Habibuddin Ahmad ..	M.B.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state the reasons which led him in selecting four out of the ten applicants for study leave?

The Hon'ble Mr. SYED NAUSHER ALI: Sir, all the ten applications were perhaps not before Government when Government granted the applications of these four officers. In fact, the two statements will show that out of the ten applications only two were selected.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that the applications of the three D. T. M. officers were made before the applications of these four officers were granted?

The Hon'ble Mr. SYED NAUSHER ALI: It is very difficult to give any reply off-hand.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to reconsider the application of the three D. T. M. officers?

The Hon'ble Mr. SYED NAUSHER ALI: When the time comes I will certainly consider all cases.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state how many of these officers have been granted study leave up till now, and how many of them are Muslims?

The Hon'ble Mr. SYED NAUSHER ALI: I think that the total number would be 26, and out of them only four are Muslims

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state if Dr. Dinesh Chandra Chakravarty and Dr. Monsural Rahman did apply for study leave?

The Hon'ble Mr. SYED NAUSHER ALI: Yes, they did.

Prosecution for forest offences in the district of Chittagong.

*125. **Maulana MD. MANIRUZZAMAN ISLAMABADI:** Will the Hon'ble Minister in charge of the Forests and Excise Department be pleased to lay a statement on the table showing for the calendar year 1937, thana by thana—

(*a*) how many persons have been prosecuted for forest offences in the district of Chittagong;

(*b*) how many of the prosecuted persons have been convicted;

(c) how many of them have been sentenced to imprisonment, and how many have been sentenced to pay fines; and

(d) how much money has been recovered as fines from the convicted persons?

MINISTER in charge of the FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): A statement is laid on the Library table. As regards (d), it has not been possible to furnish the information, thana by thana, and the total sum recovered as fines has been shown.

Khan Bahadur JALALUDDIN AHMAD: Will the Hon'ble Minister be pleased to state if it is possible to get the number of persons prosecuted in the whole district?

The Hon'ble Mr. PRASANNA DEB RAIKUT: The hon'ble member will be able to find out from the statement the total number of persons prosecuted.

Settlement of excise shops in the district of Darjeeling.

*128. **Mr. DAMBER SINGH GURUNG:** Will the Hon'ble Minister in charge of the Forests and Excise Department be pleased to state whether there is any Government circular stating that all the future settlement of the excise shops in the district of Darjeeling will be made with the local hill men?

The Hon'ble Mr. PRASANNA DEB RAIKUT: There is no such circular order specifically for Darjeeling district, but Government have directed that in granting new licences preference should be given to inhabitants of the respective districts.

Dr. SHARAT CHANDRA MUKHERJI: Will the Hon'ble Minister be pleased to state whether the granting of new licenses means starting of new shops?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Not always, Sir.

Mr. DAMBER SINGH GURUNG: Will the Hon'ble Minister be pleased to state whether this rule is being strictly followed?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes, I presume so.

Silting up of the river Brahmaputra.

*127. **Mr. BIRENDRA KISHORE RAY CHOUDHURY:** Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state—

(*a*) whether it is a fact that the river Brahmaputra in the district of Mymensingh has dried up;

(*b*) whether it is also a fact that both the public health and cultivation in the district have considerably deteriorated; and

(*c*) whether he is contemplating any action by way of dredging and excavating the river?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (*a*) The river is silting up.

(*b*) Yes.

(*c*) No. Extensive enquiries have been made. Government are advised by their experts that the desertion by the river of its old bed must be accepted as a natural development. The cost of dredging and excavating the river would be prohibitive while the excavated bed would rapidly silt up again.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if the railway bridge on the river is responsible for the silting up of the river-bed?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: It is difficult to hazard an opinion on a technical point like this, but I do not think it is so.

Building grant to the Sashi Mukhi Tol, Tamluk, Midnapore.

*128. **Dr. GOBINDA CHANDRA BHAWMIK:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) whether the Secretary of the Sashi Mukhi Tol of the Tamluk Town has been applying for the building grant for the last 6 years or not; and

(*b*) whether the Government intends to sanction the grant according to the recommendation of the Inspector of Schools of Burdwan Division or not?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) The scheme was matured in 1934, but owing to financial stringency the grant could not be paid so long.

(*b*) Attempts will be made to pay the grant next year.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state the amount which will be required to make primary education free in the district of Mymensingh?

The Hon'ble Mr. A. K. FAZLUL HUQ: I want notice. It requires a good deal of calculation.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if the Government are considering the desirability of reducing the education cess and making district boards to contribute—

Mr. SPEAKER: That question does not arise.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state the reason why no additional grant should be made in the district of Mymensingh from the provincial revenues in the year 1938-39?

The Hon'ble Mr. A. K. FAZLUL HUQ: If the hon'ble member reads the answer, he will get the information.

Expenditure on primary education from Provincial revenues in the district of Mymensingh.

***129. Maulvi MUHAMMAD ISRAIL:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the amount provided out of the Provincial revenues for the district of Mymensingh for expenditure on primary education under section 36 of the Bengal Rural Primary Education Act, 1930, for the year 1938-39 in addition to the sum now appropriated annually;

(*ii*) the estimated income from cess under section 34 of the said Act in the said district; and

(*iii*) the total income—

(1) from cess under sections 30 and 34 of the said Act; and

(2) from the Provincial revenues, and

(3) the grants from the District Board in the year 1938-39 for expenditure on primary education in Mymensingh?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) No additional grant for Mymensingh district has yet been provided under section 36 of the Act. It is proposed, however, in the coming year to sanction such an additional grant to the District School Board, Mymensingh, over and above the existing annual grant of Rs. 1,82,882 but it is not yet possible to state the exact amount of the grant which will be made.

In addition to the present grant of Rs. 1,82,882, a grant varying according to actual requirements but usually amounting to Rs. 400 or so is made to the Board on account of Government Preliminary Primary Scholarships.

(*ii*) Rs. 87,927.

(*iii*) (1) Rs. 9,67,198.

(2) This is covered by the reply to clause (*a*) (*i*).

(3) The District Board of Mymensingh has discontinued its annual grant of Rs. 76,356 to the District School Board from the September quarter, 1937, from the time the education cess was realised. There will therefore be no grant from the District Board for expenditure on primary education in Mymensingh during 1938-39.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Platform at Santahar railway station.

25. Maulvi MANIRUDDIN AKHAND: (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that the platform at Santahar Railway Station (Eastern Bengal Railway) is very low;

(*ii*) that it is causing great inconvenience to the passengers especially to women and children, and that sometimes accident happens as a result thereof; and

(*iii*) that Santahar station is a junction station where thousands of passengers are daily travelling?

(*b*) Is the Hon'ble Minister considering the desirability of urging upon the Railway authorities to reconstruct the platform at Santahar station to its proper height?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) The platform is comparatively low.

(*ii*) Some inconvenience is caused to passengers. I have no information regarding occurrence of accidents.

(*iii*) Yes.

(*b*) It has been decided by the Railway authorities to raise the platform and the work is expected to be taken up shortly.

Excise rates on foreign and country liquor.

28. Dr. H. C. MUKHERJI: (*a*) Will the Hon'ble Minister in charge of the Forests and Excise Department be pleased to state separately for the period from 1934 to 1937—

(*i*) the excise rates on foreign and country liquor;

(*ii*) the quantities on which such excise rates have been paid;

(*iii*) the number of "off" and "on" country liquor shops, year by year, in Calcutta and the jute mill and other industrial areas; and

(*iv*) the amount of country liquor sold in these industrial areas?

(*b*) What steps, if any, do Government propose taking to discourage the use of the country liquor in these areas?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) (*i*) and (*ii*) As regards country spirit, the information is given in Imperial Return IV in Appendix A of the annual administration reports of the Excise Department for the three years mentioned. Extracts from these returns are placed on the Library table.

As regards foreign liquor, a separate statement is laid on the Library table.

(*iii*) and (*iv*) A statement is laid on the Library table.

(*b*) Government are already discouraging the use of country liquor by—

(1) restrictions on sale;

(2) restrictions on the number of shops; and

(3) the high price of liquor.

They will introduce further restrictions as soon as it is safe to do so. In addition, Government through the Home (Publicity) Department are encouraging temperance societies to take up temperance propaganda in right earnest.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state the exact nature of the restrictions referred to in answer (*b*) (*1*)?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Vendors are not allowed to sell more than the prescribed quantity and they are not to sell on credit also. They are also not to sell to any boy under the age of 16.

Dr. H. C. MUKHERJI: With reference to answer (*b*) (*2*), will the Hon'ble Minister be pleased to state whether the restrictions on the number of shops have actually resulted in a diminution of their number?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I must ask for notice.

Dr. H. C. MUKHERJI: With reference to answer (*b*) (*3*), will the Hon'ble Minister be pleased to state whether the price of liquor has been raised, and if so, under what head, viz., country spirit, *tari* or any other alcoholic liquor such as *Pachai*?

The Hon'ble Mr. PRASANNA DEB RAIKUT: The price is already high, so it has been lowered.

Dr. H. C. MUKHERJI: How is the work of encouraging temperance societies done? Is it done by giving them some kind of subsidy?

The Hon'ble Mr. PRASANNA DEB RAIKUT: As I have already stated here, they will introduce further restrictions as soon as they think fit to do so. In addition, Government through the Home (Publicity) Department are encouraging temperance societies to take up temperance propaganda work just to show the people through magic lanterns and missionary work the benefits of temperance.

Mr. RASIK LAL BISWAS: With reference to answer (*b*), is it not a fact that in spite of restrictions on sale and on the number of shops the sale as also the number of shops has increased and that on account of the high price of liquor in many cases the price has been lowered?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, it is a fact that the consumption of liquor has arisen to a certain extent, and it shows that the consumption of illicit liquor has decreased, and the price has been lowered with a view to stop illicit distillation.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if there is any record for the sales of illicit liquors?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sir, it is impossible to say.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state how can he say that the sales of illicit liquor have fallen down?

The Hon'ble Mr. PRASANNA DEB RAIKUT: From the figures of prosecution the hon'ble member will find that the illicit distillation has gone down.

Mr. RASIK LAL BISWAS: Will the Hon'ble Minister be pleased to state whether it is a fact that he could not follow my question in answering——

Mr. SPEAKER: That question does not arise.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state whether the missionaries referred to just now by himself are in the employ of Government for doing propaganda work?

The Hon'ble Mr. PRASANNA DEB RAIKUT: No, Sir, they are not in the employment of Government.

Mr. P. BANERJI: Then how is it that the missionaries who have been working in the country for over a century will help in the propaganda at the present moment?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Surely, it is a matter of information, but still they will work for the temperance movement. That is humanitarian work.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state whether in view of the fact that certain agents are working voluntarily, he is prepared to consider to help them in various ways such as meeting the cost of lantern slides and so on?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes, Sir, there is a proposal which is under the consideration of Government.

Travelling allowance of the Hon'ble Ministers.

27. Mr. SYED JALALUDDIN HASHEMY: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is a fact that rules governing the travelling and daily allowances of the Ministers have been approved by an Executive Order of the Government?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the scale of travelling and daily allowances drawn by Executive Councillors and Ministers before 1st April, 1937; and

(*ii*) the scales of travelling and daily allowances actually drawn by the Ministers since 1st October, 1937?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) the number of third class tickets exclusive of orderlies and peons allowed to each Executive Councillor or Minister before 1st April, 1937; and

(*ii*) the number of third class tickets, exclusive of orderlies or peons, allowed to each Minister since 1st October, 1937?

(*d*) Is the scale of travelling and daily allowances of Ministers since 1st October, 1937, uniform with that from 1st April, 1937, to 30th September, 1937?

(*e*) If not, what are the respective figures for the two periods?

(*f*) Is the number of third class tickets, exclusive of orderlies and peons, allowed to each Minister, since 1st October, 1937, uniform with that from 1st April, 1937, to 30th September, 1937?

(*g*) If not, what are the respective figures for the two periods?

(*h*) Will the Hon'ble Minister be pleased to state—

(*i*) the total expenditure incurred from public revenues on account of the travelling and daily allowance bills of all the Ministers for the periods 1st April, 1937, to 30th September, 1937, and 1st October, 1937, to 31st December, 1937, respectively; and

(*ii*) the total expenditure incurred from public revenues on account of the travelling and daily allowance bills of the Executive Councillors and Ministers for the period from 1st April 1934, to 31st March, 1935?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) Yes.

(*b*) (*i*). The scales are laid down in Subsidiary Rules 94, 95, 96, 97 and 98, a copy of which is placed on the Library table.

(*ii*) The same scales as prevailed before 1st April, 1937. It has been decided, however, to make certain amendments with effect from 10th November, 1937, and orders will shortly issue.

(*c*) (*i*) The information is contained in Subsidiary Rules 94 and 97.

(*ii*) The same as in Subsidiary Rules 94 and 97.

(*d*) to (*g*) I invite a reference to my answer to part (*b*) (*ii*) of this question.

(*h*) (*i*) A statement is laid on the table.

(*ii*) A statement is laid on the table.

Statement referred to in the reply to clause (*h*) (*i*) *of unstarred question No. 27.*

	Rs.	a.	p.
Expenditure from 1st April, 1937, to 30th September, 1937, ...	15,971	1	3
Expenditure from 1st October, 1937, to 31st December, 1937 ...	16,790	3	0
Total ...	32,761	4	3

Statement referred to in the reply to clause (*h*) (*ii*) *of unstarred question No. 27.*

	Rs.
Travelling allowance for Ministers during 1934-35 ...	20,776
Travelling allowance for Executive Councillors ...	9,518
Total ...	30,294

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the amendments that are to take effect from the 10th November 1937 as referred to in answer (*b*) (*2*)?

The Hon'ble Mr. NALINI RANJAN SARKER: I have not understood the question.

Dr. NALINAKSHA SANYAL: The Hon'ble Minister says that it has been decided to make certain amendments with effect from 10th November 1937, and orders will shortly issue. What are those amendments?

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I want notice.

Adulterated Ghee.

28. Dr. H. C. MUKHERJI: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to lay on the table a statement showing for the year, the number of prosecutions in Bengal for offering adulterated *ghee* for sale and the number of convictions?

(*b*) Will the Hon'ble Minister be pleased to state what steps, if any, Government propose taking to stop this adulteration?

(*c*) Is it the intention of Government to make compulsory the use of some harmless colouring with "vegetable" *ghee* and similar other productions which are ordinarily used to adulterate *ghee*?

(*d*) Is it the intention of Government to either maintain wholly or to aid in the establishment and running of specially equipped laboratories to carry on the grading of *ghee*?

(*e*) Is the Hon'ble Minister aware that the grading of *ghee* as is mentioned in (*d*) is being done at Cawnpore, Agra and Shikohabad at the suggestion of the Economic Adviser to the Government of India?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) The information required is not available in the Secretariat and references have accordingly been made to the various local bodies. Replies have not yet been received from many local bodies. The information will be supplied to the member as soon as the materials are available.

(*b*) The member is referred to sections 427 to 432 of the Bengal Municipal Act, 1932, and sections 418 to 426 of the Calcutta Municipal Act, 1923, under which the municipalities in Bengal have adequate power to deal with the sale of adulterated *ghee*. Under the provisions of Chapter XXVIII of the Calcutta Municipal Act, 1923, and the provisions of the Bengal Food Adulteration Act, 1919, the local bodies have powers to take adequate action against such adulteration.

(*c*) and (*d*) No such proposals are under the consideration of Government at present.

(*e*) Government have no information.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state whether Government is considering the desirability of asking the different local bodies to take adequate action against the adulteration of ghee? This refers to paragraph (*b*) of the Hon'ble Minister's answer.

The Hon'ble Mr. SYED NAUSHER ALI: There is no reason to think that they are not taking adequate steps.

Mr. NISHITHA NATH KUNDU: Is it not a fact that the provision of the existing law only punishes the sellers of adulterated ghee, but does not punish those who manufacture it?

The Hon'ble Mr. SYED NAUSHER ALI: Sir, that is a matter of Law, and I cannot off-hand give any opinion.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state whether Government has any intention of exploring the possibilities of maintaining or establishing specially equipped laboratories to carry on the grading of ghee?

The Hon'ble Mr. SYED NAUSHER ALI: Any suggestion from the hon'ble member will be given the most careful consideration.

Construction of huts and bungalows by the Forests Department.

29. Al-Haj Maulana Dr. SANAULLAH: Will the Hon'ble Minister in charge of the Forests and Excise Department be pleased to state whether—

(*a*) it is a fact that there is no engineering department attached to the Forests Department; and

(*b*) that the men of the Forests Department construct their own huts and bungalows by forced labour of the local inhabitants?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) Yes.

(*b*) No.

Al-Haj Maulana Dr. SANAULLAH: Will the Hon'ble Minister be pleased to state how the men of the Forests Department construct their own huts and bungalows?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Sometimes by departmental contracts, and in case of major works through the Public Works Department.

Promotion of sub-inspectors of police.

30. Mr. S. A. SALIM: Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing for the year 1937-38—

(*a*) how many sub-inspectors of police have been promoted to the rank of inspectors (both temporary and permanent); and

(*b*) how many of them are—

(*i*) Muhammadans,

(*ii*) Caste Hindus, and

(*iii*) Scheduled Castes?

The Hon'ble Khwaja Sir NAZIMUDDIN: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 30 showing how many sub-inspectors of police have been promoted to the rank of inspector during 1937-38.

	Permanent	Temporary.
Muhammadans	18	40
Hindus	55	71
Scheduled castes	1	Nil
Total ...	74	111

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state how many of these existing officers in the permanent cadre are scheduled castes? I find there is no scheduled caste member in the temporary cadre promoted to inspector's post in the statement given.

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that this does not arise out of this. The question refers to those who were promoted.

Dr. NALINAKSHA SANYAL: Sir, we would like to know the percentage of promotion. So, I want to have the total number.

Mr. SPEAKER: I have not been able to follow the question or the answer. What are they?

Dr. NALINAKSHA SANYAL: Sir, we find in the statement that the scheduled caste promotion is one. I was just trying to find out the percentage of promotion of respective classes. So I want to know the total number.

The Hon'ble Khwaja Sir NAZIMUDDIN: The figures are there. The hon'ble member can work out the percentage.

Mr. SPEAKER: As he wants to know the percentage, he is entitled to know the total number.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I ask for notice.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if these promotions were made during the regime of the present ministry?

The Hon'ble Khwaja Sir NAZIMUDDIN: Some of them have been made during the regime of the present ministry.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state how many of them were promoted during the present ministry and how many before their entry into office?

The Hon'ble Khwaja Sir NAZIMUDDIN: From the question it appears that the promotions were made during 1937-38. So most of these must have been during the regime of the present ministry.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state why so few Muhammadans were promoted to the rank of inspectors?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the rules about promotion are laid down there that their promotion is based on seniority and merit, and according to those rules these promotions have been made, and if the total number of Muslim sub-inspectors, and assistant sub-inspectors are taken into consideration compared to the total number of inspectors and sub-inspectors and assistant sub-inspectors who are Hindus, you will find that the promotion has been according to the percentage of the strength in the various cadres of this service.

Mr. SHAH ABDUR RAUF: On whose recommendations these promotions have been made?

Mr. SPEAKER: That question is a matter of departmental concern.

Bemorta Canal, Khulna.

31. Mr. PATIRAM ROY: (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether he is aware—

(*i*) that the Bemorta canal in the subdivision of Bagerhat, district Khulna, needs excavation;

(*ii*) that this Bemorta canal is an important trade-route to East Bengal; and

(*iii*) that the matter of Bemorta canal figured in the budget passed by the Legislature?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for not taking up the matter?

(*c*) Do the Government contemplate immediate excavation of this canal?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Minister be pleased to state the reason for the same?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) and (*ii*) Yes.

(*iii*) I have no information.

(*b*) and (*d*) Do not arise.

(*c*) The matter is under consideration.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that with reference to a series of questions on the same subject as (*a*) (*ii*) yesterday only, his reply was something quite different from what it is to-day?

Is it a fact, Sir, that yesterday it was stated that the Bemrota Canal is now considered to be an important trade-route in East Bengal, but there are alternative routes *via* Attayi and other routes. Here you say "Yes".

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: It is certainly an alternative route, but the other route *via* Attayi is more important and is frequently used.

Mr. NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether Atharbaki route is not open for navigation nor are steamers able to pass through all the year round.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: It is true.

Appointments in the Upper and Lower Subordinate Engineering Services.

32. Mr. S. A. COMES: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to lay on the table a statement corrected up to the 31st December, 1937, showing—

(*a*) the total number of Upper Subordinates in the Irrigation and Communications and Buildings Branches;

(*b*) the number of them that are (1) Caste Hindus, (2) Scheduled Castes, (3) Muslims and (4) Indian Christians;

(*c*) the total number of Sub-Overseers in the Irrigation and Communications and Buildings Branches separately;

(*d*) the number of them that are (1) Caste Hindus, (2) Scheduled Castes, (3) Muslims and (4) Indian Christians;

(*e*) the total number of persons recruited in each of the services referred to in (*a*) and (*c*) from January, 1932, to December, 1937; and

(*f*) the number of those that are (1) Caste Hindus, (2) Scheduled Castes, (3) Muslims and (4) Indian Christians?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 32 regarding appointments, etc., in the Upper Subordinate Service, Subordinate Engineering Service and Lower Subordinate Establishment in the Department of Communications and Works (1) Communications and Buildings Branch and (2) Irrigation Branch.

(1) Communications and Buildings Branch.

Name of service.	Permanent.	Temporary.	Total.	Caste Hindus.	Scheduled Castes.	Muslims.	Indian Christians.	Total.	Remarks.
Upper Subordinates ..	2	..	2	2	..	..	..	2	
Overseers (Subordinate Engineering Service).	91*	21	112*	76	4	31	..	111	*Includes one Buddhist who belongs to minority communities and backward classes other than Scheduled Castes.
Lower Subordinates (old sub-overseers).	10	8	18	17	..	1	..	18	
Recruitment of overseers in the Subordinate Engineering Service from 1st January, 1932 to 31st December, 1937.	19	16	35†	17	2	16	..	35	

(2) Irrigation Branch.

Upper Subordinate ..	..	..	..	..	..	..	.	..	
Overseer (Subordinate Engineering Service).	71	37	108	89	3	16	..	108	

Lower Subordinates (old sub-overseers).	12	..	12	12	..	..	..	12	
Recruitment of overseers in the Subordinate Engineering Service from 1st January, 1932 to 31st December, 1937.	3	13	16	7	..	9	..	16	

With effect from 1st February, 1920, the Bengal Engineering Service and the Subordinate Engineering Service (Overseers) were formed to replace the Upper Subordinate and the Lower Subordinate (Sub-overseers) Services respectively. Many Upper Subordinates and Lower Subordinates were absorbed in the two new services and the posts held by the remaining members are being abolished as they retire. Recruitment to the old services ceased with effect from the formation of the new services to which only recruitments are since being made.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state the reason why there are no Indian Christians shown, (in the statement laid on the table) on pages 8 and 9? Is it because qualified men were not available?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Most likely.

Promotion of sub-inspectors and assistant sub-inspectors to the rank of inspectors and sub-inspectors of police respectively.

33. Maulvi AULAD HOSSAIN KHAN: Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay a statement on the table showing for the years 1936 and 1937—

(*a*) how many sub-inspectors have been promoted as inspectors of police;

(*b*) how many Muhammadans have got such promotion;

(*c*) how many assistant sub-inspectors have been promoted to the rank of sub-inspector;

(*d*) how many of them are—

(*i*) Muhammadans, and

(*ii*) Scheduled Caste Hindus; and

(*e*) how many non-Bengalis have been taken as constables?

The Hon'ble Khwaja Sir NAZIMUDDIN: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 33.

Year.	Number of sub-inspectors promoted to the rank of Inspector.	Number of Muhammadan sub-inspectors promoted to the rank of Inspector.	Number of assistant sub-inspectors promoted to the rank of sub-inspector.	Number of Muhammadan assistant sub-inspectors promoted to the rank of sub-inspector.	Number of Scheduled Caste Hindu assistant sub-inspectors promoted to the rank of sub-inspector.	Number of non-Bengalees enlisted as constables.
			Bengal Police.			
1936 ..	28	11	33	9	1	684
1937 ..	73	14	40	12	2	247
			Calcutta Police.			
1936 ..	2	1	2	Nil	Nil	181
1937 ..	1	1	Nil	Nil	Nil	91

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state the reason for enlisting a large number of non-Bengalees as constables?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because suitable men were not available.

Maulvi ABDUL LATIF BISWAS: Is the Hon'ble Minister aware that a good number of educated Bengalees are available for these posts?

The Hon'ble Khwaja Sir NAZIMUDDIN: I may inform the House that we have laid down instructions that in future, as far as the Bengal Police are concerned, only Bengalees will be recruited.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether he would consider the desirability of advertising these posts?

Mr. SPEAKER: That question does not arise.

Clerical establishment in the office of the Director of Public Instruction, Bengal.

34. Al-Haj Maulana Dr. SANAULLAH: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) how many Upper Division Assistants are there in the office of the Director of Public Instruction?

(*ii*) how many of them are Muslims; and

(*iii*) how many of them have been given extensions and for how many times?

(*b*) Will the Hon'ble Minister be pleased to state whether there is any Government Order restricting the extensions?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) 15.

(*ii*) 5.

(*iii*) 4; two for one year and two for two years—one year at a time.

(*b*) Yes.

Al-Haj Maulana Dr. SANAULLAH: With reference to (*iii*), will the Hon'ble Minister be pleased to state how many of the men given extension are Muslims?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say off-hand. I want notice.

Al-Haj Maulana Dr. SANAULLAH: Will the Hon'ble Minister be pleased to state the Government order restricting extension of service?

The Hon'ble Mr. A. K. FAZLUL HUQ: The rule is that extensions are not given unless they are required in the interests of public service.

The Hon'ble Khwaja Sir NAZIMUDDIN: Yesterday Mr. Nagendra Nath Sen asked me to answer question 109 (*b*) (*ii*) which was left unanswered. The question was—"the said detenu has been continually suffering in the camp from malaria and ear troubles and is it a fact that he is suspected of having tuberculosis infection and has been X-rayed?".

The answer is that while he was in the camp, he had two attacks of malaria and also complaint of ear troubles. He was not suspected of tuberculosis nor was he X-rayed.

About another question No. 112, a supplementary question was asked—"Did Government grant him any allowance?" I said in answer—"I believe an allowance is being paid".

The actual answer is that the family was getting Rs. 20 per mensem while he was in village detention. Now that he is home-domiciled, a consolidated allowance is under consideration and orders will be issued very shortly.

NON-OFFICIAL BILLS.

The Bengal Public Demands Recovery (Amendment) Bill, 1937.

Mr. SPEAKER: I may remind the House that last time we discussed the Bengal Public Demands Recovery (Amendment) Bill and Maulvi Abu Hossain Sarkar moved a motion for reference to Select Committee and the Hon'ble Sir Bijoy Prasad Singh Roy also moved that the Bill be recirculated for the purpose of eliciting opinion thereon by the 8th February, 1939. There is a further motion by Maulvi Abu Hossain Sarkar (namely, No. 3) which will now be taken up.

Maulvi ABU HOSSAIN SARKAR: I beg to move that the following names be added to the Select Committee:—

(1) Maulvi Tamizuddin Khan,

(2) Mr. Abdul Wahab Khan,

(3) Mr. Abdul Hakeem,

(4) Dr. Mafizuddin Ahmed,

(5) Maulvi Abdul Bari,

(6) Mr. Charu Chandra Roy,

(7) Mr. Haripada Chattopadhyay, and

(8) Mr. Surendra Nath Biswas.

In this connection, I beg to remind the House that at the time of moving for Select Committee, I quoted the opinion expressed by Maulvi Tamizuddin Khan in this House regarding the rigours of the certificate procedure. I may also quote the speech of Mr. Abdul Bari, a prominent member of the Coalition Group, about the same certificate procedure. He says, "I join with my esteemed and honourable friend Mr. Tamizuddin Khan in entering my vehement protest against the use of certificate procedure against the tenants of Bengal. It is not only my personal protest against the use of certificate procedure, but I believe, it is a protest which will be heard from every member of this House,, barring a few, if any. It is not a protest only from this House, but it is a protest which has resounded the whole country from every creek and corner against the tyranny that is being promulgated on the tenantry of Bengal by the use of certificate procedure. It is needless to tell the House that every member who comes from the mufassil has been flooded with resolutions from the tenants of Bengal. The tenants of Bengal have approached us with folded hands and tearful eyes to do away with the certificate procedure." In another place the same member says that——

Mr. SPEAKER: I am afraid Mr. Abu Hossain Sarker, you cannot seize two opportunities to make two speeches on the same subject. Here in effect you are doing that. It was only as a special case that I allowed you to move an amendment to your own motion and I told you that you should make no speech again on this subject, but you have got the right of reply. You will now formally move your amendment.

Maulvi ABU HOSSAIN SARKAR: With your permission, Sir, I reserve the right of reply.

Mr. SPEAKER: These motions are now open to discussion.

Maulvi ABDUL BARI: Mr. Speaker, Sir, I am thankful to my friend Maulvi Abu Hossain Sarkar for honouring me by reproducing——

Mr. DHIRENDRA NATH DATTA: I rise on a point of order.

Rai HARENDRA NATH CHAUDHURI: Sir, what about the point of order I raised the other night that Sir Bijoy Prasad Singh Roy's motion for re-circulation is out of order? May I submit my point more clearly? I refer to section 44(*4*) of the Rules and Standing Orders. This section says "an amendment on a question must not be inconsistent with the previous decision on the same question given at the same stage of any Bill or motion. I would next refer to rule 54(*3*) which says "Where a motion that the Bill be circulated for the purpose of eliciting public opinion is carried in the Assembly and the Bill is circulated in accordance with that direction and opinions have been received thereon before the date mentioned in the motion, the member in charge if he wishes to proceed with the Bill thereafter must move that the Bill be referred to a Select Committee unless the Speaker in the exercise of his power to suspend this order allows the motion to be made that the Bill be taken into consideration."

I submit further that sub-sections (*2*) and (*3*) of section 54 are mutually exclusive. When therefore the Bill now before the House has already been circulated and opinions have been gathered thereon, it stands to reason that the Bill should be referred to a Select Committee for the consideration of opinions that have been gathered. I think at this stage there cannot be any motion for the recirculation of the Bill as it is not contemplated by the rule.

Mr. DHIRENDRA NATH DATTA: Section 55 may apply. There is a word "recirculation." We also find the words that no motion that a Bill be referred to a Select Committee or recirculated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge?

Mr. SPEAKER: What is that?

Mr. DHIRENDRA NATH DATTA: In section 55 there is a word "recirculation," but I submit that section 55 has no application here. Section 55 contemplates the person who can move. In the present case section 54(*3*) will only apply, because that sub-section says that once a Bill is circulated for purpose of eliciting public opinion if a member wants to move the Bill he must refer the Bill to a Select Committee. So I think the motion of the Hon'ble Sir Bijoy Prasad Singh Roy for recirculation is not in order.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am glad the last speaker has supplied the answer to my friend Rai Harendra Nath Chaudhuri. Section 55 really is the answer to the point of order that was raised, namely, that a Bill can be recirculated and it can be done

by way of an amendment. So far as section 54(3) is concerned that only restricts the right of a member to move a motion that the Bill be taken into consideration straightaway after the Bill has been circulated, namely, the Bill has got to go to a Select Committee before it can be taken into consideration. It does not prevent either the member himself or the mover of an amendment to move that the Bill be recirculated. If recirculation was out of order then its place in section 55(1) is inexplicable Section 55(1) clearly says that the Bill can be recirculated either by the member himself or when the member has moved a motion that the Bill be taken into a Select Committee by way of amendment it can be moved that the Bill be recirculated.

Rai HARENDRA NATH CHAUDHURI: Not by any other member than the member in charge.

Mr. SPEAKER: I must frankly say the work in this Assembly has been so heavy during the last few days that I altogether lost sight of the point of order which was raised by my friend Rai Harendra Nath Chaudhuri and as such whatever decision I may give to-day must be taken as one which might be reconsidered if I am satisfied on reconsideration that the decision which I am giving just now is not strictly in conformity with the Rules and Standing Orders. For the time being, as I read the rules, I find that the question before me is to decide whether it is permissible for a Bill to be recirculated after it has come back from circulation. The sum total of the question is whether a Bill which has once been circulated can be recirculated. I take it, Mr. Rai Chaudhuri, that that is the essence of the point you have raised. The Hon'ble Sir Nazimuddin has pointed out that it can be recirculated. There can be no doubt that section 55, even if I were not to give any interpretation as regards the convention, is clear that there is something like recirculation contemplated in the Standing Orders. I, therefore, hold that, apart from the fact that it is an established convention, that even though the Bill has been circulated it can be recirculated. It is obviously so because after all it is the legislature which is in full possession of a particular Bill and how a Bill will be dealt with is a matter which can only be decided by the legislature and the legislature alone. I cannot visualise how a member can stultify a step which the House wishes to take in the matter of recirculation.

The only question which remains is about section 44(f) which Mr. Rai Chaudhuri has drawn my attention to, namely, that the amendment in question must be consistent with the previous decision, if any, given at the same stage of the Bill. Mr. Rai Chaudhuri will look to the language of this section. The wording is "at the same stage of any Bill." Now, there are different stages mentioned in the Standing Rules and Orders. One stage is to take into consideration.

another stage is reference to a Select Committee and still another stage is circulation for the purpose of eliciting public opinion. If the stage to-day is not the stage of reference to a Select Committee and our stage to-day is for reference to a Select Committee, as is the motion of the inover of the Bill, then we are not exactly at the same stage in which we were last time. Last time obviously the motion was not for the purpose of reference to a Select Committee but for circulation.

To-day's stage is not the stage of eliciting public opinion on the Bill but of referring it to a Select Committee, as has been moved by Maulvi Abu Hossain Sarkar. It is also quite in order to take up an amendment which is permissible under Rules and Standing Orders. The question which I have to decide is whether once a mover moves that a Bill be referred to a Select Committee, it is open to other members of this House to move to refer the matter for circulation again. I hold that so far as the Rules and Standing Orders are concerned they give you the power,—once the member in charge, moves reference of a Bill to a Select Committee—the rules give you the power to move to refer the Bill again to public opinion, that is, for recirculation. I have just now seen the motion and I feel for the time being that the motion is in order. Of course it is for the House to make a final decision.

Rai HARENDRA NATH CHAUDHURI: May I make a further submission, Sir?

Mr. SPEAKER: Yes.

Rai HARENDRA NATH CHAUDHURI: With due deference to your ruling, I would submit that a Bill has got to pass through three definite stages and not through many stages. The first stage—the stage of introduction—is described in parliamentary language as the First Reading, the second stage—the stage of consideration—as the Second Reading and the third stage the Third Reading or the stage of final passage of a Bill. Now I invite your attention to section 53 of the Assembly Rules and Standing Orders.

Mr. SPEAKER: May I ask you one question, Mr. Chaudhuri? Do you not know of any precedent where a Bill has been re-circulated?

Rai HARENDRA NATH CHAUDHURI: I know of such precendents, Sir, but, so far as we are governed by these rules, those precedents cannot govern us. As I was saying, Sir, I would invite your attention to section 54(*2*), which section contemplates the second stage of a Bill, that is, the "consideration" stage. It is only when the member in charge of a Bill moves that the Bill be taken into consideration at that stage the other motions (can come in by way of

amendment,—whether the motion be a motion for circulation or for reference to a Select Committee, or whatever else the motion may aim at, it may come in only by way of amendment, for the second stage begins with the motion that the Bill be taken into consideration. Next I beg to submit that the motion that has now been made; and the motion which was previously made by Mr. Abu Hossain Sarker—those two motions stand on the same footing, because he invited the House then as now to take the Bill into consideration. On the previous occasion it was proposed by the Hon'ble Sir Bijoy Prasad Singh Roy at this very stage that the said Bill be circulated, and that motion came in by way of amendment. On that motion the House gave its decision and I submit that in view of the previous decision of this House the matter cannot be taken up again in view of rule 44(*4*).

Mr. SPEAKER: I understand your point. Your point is that whether we take a Bill into consideration or refer a Bill to a Select Committee—that constitutes one stage. Is it not?

Rai HARENDRA NATH CHAUDHURI: Yes, Sir, that is so.

Mr. SPEAKER: Well, I do not agree with this view.

Maulvi ABDUL BARI: It would not have been necessary for me on this occasion to make any speech but for the reference made by my friend Maulvi Abu Hosain Sarkar with regard to the speech that was delivered by me on the last session on the occasion when this Bill came up for consideration in this House. Presumably my friend Mr. Sarkar referred to that speech of mine under the impression that to-day perhaps we were going back on the statement that was then made. I may inform him, Sir, that this apprehension of his is absolutely ill-founded, absolutely unfounded, because we stick to the position that we took up then, and we shall push it forward as far as it is possible for us to do so. We said, Sir, on that occasion, and we do say to-day, that this Act is not only a repressive, oppresive and suppressive Act with all its annotations and connotations, but at the same time we submit that this Act should go lock, stock and barrel. That is what we said then and what we say to-day. But what is the position now? I would further state that we go further and describe it as the Act of "Azrail". Perhaps my friends on the other side do not know what I mean by the word 'Azrail". It means "Angel of Death". You know that it comes without any notice, without any summons, and it comes all unawares. The "Angel of Death" does not take notice of the wailings and cries that are put up by husbands or fathers or mothers or their dear relations. That is how the Act also acts upon the people of Bengal, and that is the reason why we want to do away with it. But our intention is not to promulgate the Act only

for the purpose of gaining notoriety or for the purpose of gaining popularity, but for the purpose of doing some useful, solid and good work for the country. Whether the Act itself does credit to a particular individual does not matter in the least. We want to see whether it benefits those for whose benefit we are all assembled here, and for whose benefit it is meant. Now, Sir, if the intention of the Act that is going to be referred to a Select Committee by my friend Maulvi Abu Hosain Sarkar is to amend certain of its sections only, we do not want to amend certain sections only, but we want that the whole of the Act should be put a stop to, together with all its sections; and that is an achievement of the members of the Coalition Party. Since that pronouncement was made on the last occasion we strained every nerve and we argued and debated with the ministry and we have succeeded in persuading them to think on the lines on which the members of the Coalition Party thought that this Act should not be kept in operation at least for a period of 2 years. We know that we have got a double function—a dual capacity. Being members of the Coalition Party we have got to represent the tenants on the one side and also at the same time to see that the administration runs on, because if the administration be brought to a stand-still, we cannot and we shall not be able to do any good to the tenants. The whole country goes down; it falls down like a house of cards. Therefore the general necessity rests on this Party to see that the administration goes on, and at the same time to see that the tenants are benefited. This object, Sir, has been achieved. Government was apprehending, as we all know, that as a result of suspension of certificate procedure, the revenue of Government might fall. So we have thought it right and proper that Government must be shown that their apprehension is groundless. By facts and figures we shall show that Government revenue will not fall in the least—that rents will continue to be realised as they have been realised by the zamindars by the institution of suits in the civil courts or by realising rents amicably. Therefore it shows that the apprehension of Government is baseless. We have induced the Cabinet to think like us, that is, that the Act should be suspended. We have gone a step further. We have even arranged that khas mahals and Government Estates should not be left immune and the certificate procedure should be stopped also with regard to khas mahal lands and the Court of Wards and the private landlords also. What you want, by this motion we have secured for you; further than that, what do you want? Moreover, an assurance has also been given by the Hon'ble the Chief Minister that after the expiry of 2 years Government will think of the desirability of bringing an amending Act or to see that the whole Act is repealed. After this statement of the Hon'ble Chief Minister, we do not think that it will be quite proper and wise to wait for a few months more. The effect of this motion to refer the Bill to a Select Committee would be that this Act would go on perpetrating its inhumanity on the tenants at least for 6 months more, because if it is

referred to a Select Committee, the Select Committee will submit its report perhaps in the course of two or three months, and this Bill will not come before this House in less than 6 months. So we shall have to wait again and the zamindars and others coming to know that the Bill has been sent to a Select Committee and is going to be law, will try to put pressure upon the tenants to make payments. They will also try to issue as many certificates as possible, so that within the next 6 months, you will not find any solid or sound man within the whole of Bengal, who will have still left with him even a tinkering of a utensil in his house. Therefore to avoid that position we have thought that the certificate procedure should be suspended with effect from the 1st of Baisakh next, that is, about a month and a half from this day. That shows, Sir, that the object of my friend's motion would be defeated if it be referred to a Select Committee. Our desire is more than satisfied by a suspension of this Act immediately, that is, with effect from the 1st of Baisakh. So, on this ground, I think the apprehension that might have arisen in my friend's mind is baseless. I stick to every word that was uttered by me, and as I have stated, I condemn the Bill in the strongest possible language as I do not see any utility of it——

Mr. JOGESH CHANDRA GUPTA: You know that the Bill will be of benefit to the tenant.

Maulvi ABDUL BARI: We know and you also know that if any benefit can be done to the tenants and the people it can only be done by that party which runs the administration. If you really want to do good to the people you must join hands with us. By running the opposition you are ruining the country and dragging the country to a position which no man can tolerate. Therefore, I would ask you in all humility, if you have no other way left out to you, to join this party.

Mr. SASANKA SEKHAR SANYAL: Sir, Murshidabad is fast coming into the picture, and I hope Mr. Abdul Bari of Murshidabad will not come into the picture as his ancestors did previously——

Maulvi ABDUL BARI: Our ancestors did not do anything discreditable.

Mr. SASANKA SEKHAR SANYAL: I am afraid you will remain in that delusion, but I do not want to remain so. (Several interruptions).

Mr. SPEAKER: Order, order. I think the interruptions are not proper and may be avoided.

Mr. SASANKA SEKHAR SANYAL: Sir, my friend Mr. Abdul Bari has inspired in me a desire to speak on this subject because as you have just put it, it was not necessary to speak on this matter. My friend Mr. Abdul Bari reminds me of a particular kind of patriot who thinks that whatever good to the country can be done can be done by him or his party alone. May I remind my friend Mr. Abdul Bari that he has given indirect compliment—I say, direct compliment—to the oppositionists by admitting practically that it was by the pressure of this Bill of Maulvi Abu Hossain Sarkar——

Several members: Certainly not, never, never; you are in a hopeless minority.

Mr. SASANKA SEKHAR SANYAL: We are no doubt in a minority, but it is certainly not hopeless. In connection with a short-notice question of yesterday we suspected that this short notice question had something to do with the forthcoming Public Demands Recovery Bill of Maulvi Abu Hossain Sarkar, and I am glad and thankful to my friend that he has made the position quite clear to-day. My friend Maulvi Abdul Bari has said that he does not yield to this party in his desire to get rid of the Bill, but he says he wants to go a little further, namely, to get rid of the Bill lock, stock and barrel. My friend, probably remembers that in the last session it was only on this ground that our leader opposed on principle the Bengal Tenancy (Amendment) Bill. He said that this Bill was not an attempt to forestall the legitimate demands of the tenantry; it was only a hide and seek policy. We know that the Coalition Party with an artificial majority will try to take the credit of such measures and will try, if necessary, in order to get that credit, to delay and also to defeat the purpose of this progressive Bill. My friend Mr. Abdul Bari has spoken a lot. This is a parliament and I cannot talk to him straight in his face. If I were in my parlour, I would have asked him—is he the same Mr. Abdul Bari who, during the last Puja vacation and before election, was moving about from door to door promising to his constituency that in the first meeting of the Assembly he would bring a measure which would bring a millennium to the tenantry as a whole——

Maulvi ABDUL BARI: On a point of personal explanation, Sir, My friend knows very well that I was returned uncontested, and I do make it clear that in the next election I will be returned by an overwhelming majority even if there is an election.

Adjournment.

(At this stage the House was adjourned for 20 minutes.)

(After Adjournment.)

Mr. SASANKA SEKHAR SANYAL: Sir, the Bill has been opposed principally on two grounds. The first ground that my friend advanced is that this Bill does not propose to do away with all the vice in the Public Demands Recovery Act, and therefore the small amount of improvement that it is proposed to be introduced he will not accept. Well, I submit Sir, he himself does not believe in this argument, and it is the argument of pious platitude, and it is only a polished way of admitting that for reasons best known to themselevs they cannot fall in line with the progressive measure when that progressive measure is introduced by the Opposition. Sir, I think my friend for his candour when he admitted that this Bill could not be supported on account of the difficulties of administration. I would have thanked him more if he had said that it is not so much the difficulty in the administration as the difficulty on the part of the administrators. Because we know that the present Cabinet is composed of a large number of persons who are themselves vested with certificate powers, and any infringement on the right of exercise of certificate power will be an impediment for these members of the Cabinet, and my friend out of sympathy for this Cabinet, out of feeling for the helplessness of some of the Ministers of the Cabinet is unable to support this Bill. Sir, there is absolutely no reason why this Bill should not find acceptance of everybody, because we know, Sir, that even the Bengal Tenancy Amendment Bill which was passed in the last session was not very happy. We expected much more progressive things and much better relief for the tenantry. But still we were certainly eager to have what was given biding our time and attempting all the time to get the remaining during the time that we are here. That is an argument of practical prudence; that is an argument of straight business. Even my friend Mr. Abu Hossain Sarkar cannot do away with all the difficulties of the Public Demands Recovery Act. While he is dealing with the certificate procedure, he is certainly consistent with what this House did in the last session. We voted for the abolition of certificate powers so far as private landlords are concerned. It is only consistent Sir that we shall vote for the same so far as the other landlords who are getting special benefits are concerned. What is good for the private landlords and the privileged landlords ought also to be good for any sensible administration, because what is hardship for the tenant is hardship all the same. It does not matter whether the person concerned is a private landlord or the State. If my friend looks at the point of view from the interest of the Government, well, I submit that he is making a fundamental mistake. We are here not to see the difficulties of the administration: we are here to see the difficulties of those who are administered: and if we really desire to remove the difficulties and the troubles of those

who have sent us here, I hope my friends over there will get rid of their sympathy and pity for the administrator and will look straight into the merits of the case from the point of view of the tenants who have sent them here.

Sir, my friend was consoling himself with the idea that whatever comes from the Coalition is good, and whatever comes from the other side is bad. Well, Sir, my friend is stating a thing which is historically untrue. He ought to learn that the Left Wing of to-day is the Right Wing of to-morrow and the Right Wing of to-day is a dead thing to-morrow. The Right Wing never comes back to the Left. The old does not come back to youth or to greenness. It is the greenness that is in opposition to-day which will be at the helm of administration to-morrow. My love for my friend, my affection for him prompts me to say that before the Right Wing of to-day expires, he will come back from the Right Wing to the Left Wing so that he will survive some time more. Sir, my friend interrupted before the recess saying that he went on uncontested. We do not grudge that. My friend knows, apart from personal questions involved herein, that when he came uncontested he was a member of the Congress; when he came uncontested he was a friend of the detenus and the political prisoners; when he came uncontested, he was a believer in the ideal of Congress. Days have changed, and nights have rolled by, and there was some metamorphosis of my friend also. But I, as a friend, still hope that he will get rid of the metamorphosis, and will come back to his former self, and the sooner he does, the better for him and for others too.

Sir, before I sit down, I will only appeal to my friends over there to consider the whole thing not from the point of view of party prejudices or party affiliation. They are here to administer relief to those who have sent them. Well, it does not matter whether the measure is from this side or that side; look at the thing straight from the merit; come to your conclusion upon the merits; and before I resume my seat I will appeal to my friend Maulvi Abdul Bari to consider that whatever progressive measures are coming from the Coalition Party are coming, because there is so much pressure of the opposition from this side, and just as my friend takes pride in feeling that the Coalition is for benefit, we also take pride in feeling that we are the father of these benefits. If the Coalition conceive the things, it is on account of the seedlings that had been sown by the pressure of this opposition. It is true that the people on the other side conceive things, but what we regret is that the seedlings which were sown by us are not properly accepted by them and they are not able to conceive all that has come from this side. So, Sir, I submit and I appeal to my friends to consider, and I think there will be no difficulty in accepting that if there are benefits coming from the other side, if they are the mother of those benefits, we are the father of them.

Maulvi ABDUL BARI: On a point of personal explanation, Sir——

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir——

Mr. NISHITHA NATH KUNDU: Sir, I rise to——

Mr. SPEAKER: Order, order. Mr. Gupta.

Mr. JOGESH CHANDRA GUPTA: Sir, the point of order that I intended to raise was, if a member having once given explanations in a way which was not permissible can again rise to give explanation.

Mr. SPEAKER: No, he cannot.

Mr. NISHITHA NATH KUNDU: Mr. Speaker, Sir, I rise to support the motion of my friend Mr. Abu Hossain Sarkar and oppose the Government motion for sending the Bill for re-circulation to elicit public opinion thereon. We know, Sir, that this House has a right to send a Bill for re-circulation but we should be satisfied before we send it for re-circulation that there are good reasons for so sending it back. Our friend Mr. Abdul Bari told us that the purpose of the enactment of this Bill would be served by recent Government circular postponing the issue of fresh certificates, but then, Sir, this circular has not taken away the law of limitation. So before the 1st of Baisakh there must be some certificates issued for saving limitations, and as we all know the certificate procedure being summary proceedings, those certificates which will be issued before 1st of Baisakh are sufficient to take away the little things that the tenants have been able to still retain. So the hardship will never be removed by this temporary measure unless we can enact this Bill into law. Sir there is no one to supervise and control that the directions of the Government are carried out strictly according to circulars. So if there will be any breach, individual persons will have to approach the Government, and it will be very difficult for them to do so. The certificate procedure will go on and crush these tenants. Sir, it has been argued that the Government revenue might fall down if this Bill is passed into an Act. There is no point in this argument inasmuch as we have withdrawn the power of certificate used by the private zamindars. If the private zamindars can realize the rent from the tenants I do not see any reason why the Government cannot realise rents without having recourse to this procedure. I would have understood the position of the Coalition members if they opposed this Bill out and out, but I don't understand them when they want to send it back for re-circulation. Do they mean that this Bill contains such provisions as will be disapproved by local bodies or the people to whom

this Bill will be sent for re-circulation. Do they think that the provisions of the Bill, as they stand now, are not and will not be beneficial to the tenants. I have not heard any member up till now to say what are the provisions in the Bill which really do not serve the purpose of the tenants or are not for the benefit of them. Even if it is conceded for argument's sake that there are provisions in the Bill which are not beneficial to the interests of the tenants those provisions may be removed by making amendments. It cannot be said again that this Bill is a very complicated one and cannot be considered by a Select Committee. If a Bill like the Bengal Tenancy Bill could have been passed in this House I do not see any reason why such a simple and small Bill like the one moved by Mr. Abu Hosain Sarkar cannot be referred to a Select Committee. If it is argued that it is a Bill to achieve cheap notoriety by the members introducing small improvements in the provisions, Sir, I am tempted to say that there is no harm if we can do a little good to them even by such small improvements and I am also tempted to say that we learnt this from the member of the treasury-bench who introduced such a Bill as they told us when they introduced the Bengal Tenancy Amendment Bill that they were introducing it, though the provisions were not elaborate and exhaustive, for the benefit of the tenants. Why can't, in view of that explanation, that motive with which the Government of Bengal was prompted to move the Bengal Tenancy Amendment Bill be ascribed to the mover of this Bill as well. The Bill has been circulated to every member of the House and every member had time to go through the provisions of the Bill but no member has said that there is any provision in the Bill which they did not like. From this attitude we can only infer that the Bill, though it is beneficent to the interests of the tenants, will not be accepted by this House if they are moved by any member on this side. We have already got a copy of the Government Bill for amending the provisions of the Bengal Public Demands Recovery Act. I do not know if Government will send that Bill for circulation for eliciting public opinion, we shall wait to see what reasons and arguments will the members of the Coalition Group advance against referring the Bill to the Select Committee or circulation but for immediate consideration. With these remarks, Sir, I support the motion.

Mr. PRABHUDAYAL HIMATSINGKA: On a point of information, Sir. In connection with Mr. Abdul Bari's speech is there any legal bar to the operation of the Public Demands Recovery Act being suspended if the Bill be referred to a Select Committee?

Mr. SPEAKER: No, I do not think that there is any legal bar.

Maulvi MUHAMMAD MOZAMMEL HUQ: মাননীয় সভাপতি মহাশয়। আজ্ যোগেন সরকারের বিলের সম্পর্কে আমার কংগ্রেসী বন্ধুদের আলোচনা শুনে বিশেষতঃ আমার

মুর্শিদাবাদের এক বন্ধুর আলোচনা শুনে আমার একটা গল্প মনে পোড়েছে। গল্পটা হলো এই যে একজন লোক জিজ্ঞাসা করেছিল আর একজনকে—"এদেশে ভদ্রলোক কে কে?" সে বল্লো—"আমরা আর মামারা ব্যতীত আর কোন ভদ্রলোক নাই।" সে যদিও বোঝাতে চেয়েছিলো যে ভদ্রলোক—আমরা আর মামারা ব্যতীত আর কেউ নাই; অবশ্য আপনারা বুঝতেই পারছেন প্রশ্নকারীর তা থেকে কি বিশ্বাসটা হয়েছিলো। সেইরকম, আমার কতিপয় বন্ধু বোলেছেন তাঁদের কংগ্রেস পক্ষের, বিশেষ কোরে আবু হোসেন সরকারের pressure এ, গভর্ণমেণ্টের পক্ষ থেকে ২ বৎসরের জন্য certificate suspend করা হয়েছে। এটাকে অপর পক্ষের খুব বড় রকমের আত্মম্ভরিতা ছাড়া কি বলা যায়। সেইজন্য তাঁদের আমি বোলেছি যখন cut motion হোয়েছিলো—গত session এ তখন আমাদের কোয়ালিশন পার্টির পক্ষ থেকে দেশের খাস মহলের এবং Court of Wards এর প্রজার উপর কি গুরুতর জুলুম হয় সেটা কোয়ালিশন পার্টির বহু লোকের পক্ষ থেকে বোঝান হয়েছে। আমি challenge কোরে বোলছি যে আমি জানি খাস মহালে প্রজার উপর যতটা গুরুতর জুলুম হয় আমাদের দেশের জমিদারদের কর্তৃক প্রজার উপর ততটা হয় না। আমরা চেয়েছিলাম certificate proceeding গভর্ণমেণ্ট কর্তৃক যাতে খাস মহাল থেকে উঠে যায়। আমাদের Revenue Minister প্রতিশ্রুতি দিয়েছেন যে তাঁরা যাতে certificate প্রথা উঠে যায় তার জন্য চেষ্টা কোরছেন। সুতরাং ভালমানুষ যখন প্রতিশ্রুতি দিয়েছেন তখন আমার কথাটা শুনুন। এ জিনিষটা পরিষ্কার কোরে বলা দরকার। আমাদের কোয়ালিশন পার্টির বক্তব্য দেশের লোকের পক্ষে বোঝার দরকার আছে। বিষয়টা আমি পরিষ্কার ক'রে বলবো (A Voice: "আর বোলতে হবে না।") মাননীয় সভাপতি মহাশয়, এখানে বোধ হয় বাংলার রিপোর্টার আছেন। আমাদের কথা ভালো ক'রে রিপোর্ট করা দরকার। ওদের হাতে খবরের কাগজ—অমৃতবাজার, আনন্দবাজার, সবগুলি। সেইজন্য বড়ই গণ্ডগোল হয়। এতদিন Assembly তে আমরা যা বোলেছি তা বড় কেউ শুনতে পায় নাই। সেইজন্য আমরা বাংলা রিপোর্টার দ্বারা ভালো করে রিপোর্ট করিয়ে দেশের লোককে জানাতে চাই, তারা আমাদের কথা ভালো ক'রে বুঝুক।

কংগ্রেস্ পার্টির কেবল ফাঁকি দেবার policy। আমরা যখন প্রস্তাব কোরেছিলাম যে ৬৷৷০ টাকা ক'রে শতকরা হিসাবে টাকার সুদ হোক, অমনি, তাঁরা চাইলেন,—না ৫৲ টাকা হোক। ৬৷৷০ টাকার জায়গায় এই ৫৲ টাকা চাওয়ার বাহাদুরি দেখানোকে ফাঁকি ছাড়া আর কি বলা যায়? আমার বন্ধু আব্দুল বারি বলেছেন—আপনারা আমাদের দলে আসুন, আপনাদের মাথায় করে রাখবো। ঠিক কথা। কিন্তু আমাদের কামড়ালে আমরা খালি খালি সহ্য কোরবো না। আমরাও কামড়াতে জানি। সেইজন্য আমরা বোলছি, কামড়া কামড়ি ছেড়ে দিন, আসুন কোলাকুলি করি।

গভর্ণমেণ্টকে আমরা support করি সত্য, কিন্তু গভর্ণমেণ্টের অবিচার সম্বন্ধে জানাতেও আমরা কুণ্ঠিত হই না। (hear, hear.) আপনারা মনে কোরবেন না গভর্ণমেণ্টের সবর্ কার্য্য আমরা support কোরবো। আমরা দেশের লোকের প্রতিনিধি, গভর্ণমেণ্ট যেখানে প্রজার ভাল কোরবেন সেখানে আমরা গভর্ণমেণ্টকে support কোরবো; গভর্ণমেণ্ট যেখানে অন্যায় এবং অবিচার কোরবেন সেখানে গভর্ণমেণ্টকে support কোরবো না। গভর্ণমেণ্ট যখন বোলছেন যে আমরা ভালো কোরছি, তখন আমরা কেন খালি খালি oppose কোরতে যাবো, একি কেউ করে? এই অল্প সময়ের মধ্যে গভর্ণমেণ্ট একটা একটা কোরে সব চাষীর ভালো আইন জারি কোরছেন, ভালো রকমের কোন প্রস্তাব আনলেই যখন গভর্ণমেণ্ট তা গ্রহণ কোরছেন, তখন কেন গভর্ণমেণ্টের বিরুদ্ধে যাবো? কোন ভালো লোক তা চায়?

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. Is the hon'ble member entitled to say that no "*Bhalo lok*" will oppose the Government?

Mr. SPEAKER: That is not a point of order.

Mr. NAGENDRA NATH SEN: That shows his mentality.

Maulvi MUHAMMAD MOZAMMEL HUQ: আর একটা কথা খুলে না বললে অসুবিধা থেকে যাবে। কংগ্রেস মেম্বরদের মনের ধারণা যে সেবাটা তাঁরাই একচেটে কোরেছেন। মনে মনে গুমোর আছে যে সেবা হলেই সেটা কংগ্রেস কোরবে, অন্য লোকে সেবার কাছ দিয়ে যেতে পারবে না, যেহেতু কংগ্রেস সেবার অধিকারকে একচেটে কোরে নিয়েছে। কংগ্রেস কোনো একদিন তা থাকতে পারতো, কিন্তু বর্ত্তমান অবস্থায় কংগ্রেস তা নয়। বর্ত্তমানে কম্‌ন্যালিজমের বুলি সাম্প্রদায়িক বিদ্বেষ যে রকমভাবে দেশের মধ্যে জারি কোরে কংগ্রেস দেশের অপকার কোরছে তাতে কংগ্রেসের কথা শুনতে কেউ রাজি নয়। Muslim Bengal কংগ্রেসের কথায় চোলতে একেবারেই রাজি নয়। আমি ভোলা মহকুমা থেকে এসেছি। ভোলায় কংগ্রেসের একটা কিছু, সাড়াশব্দ কিছুই নাই।

Mr. DHIRENDRA NATH DATTA: On a point of order, Sir. Is the hon'ble member entitled to refer to the relationship that subsists between the Congress and the other parties in this province when he should strictly confine himself to the motion before the House?

Mr. SPEAKER: Order, order. Mr. Datta, I am sorry to observe that whenever you raise a point of order and the Chair proceeds to give a ruling you ought to resume your seat, that is, if your eyes are open. If your eyes are shut, I cannot help it.

I think that is a very delicate point. I personally think that this recrimination could have been safely avoided, but unfortunately it was introduced by Mr. Sasanka Sekhar Sanyal. I have more than once said that it is one of the worst advocacies to give "Bahoba" to a judge when he gives verdict in your favour. When Mr. Sasanka Sekhar Sanyal introduced acrimony into the debate, I felt that it was undesirable for me to intervene at that stage for I thought that it would end there. Had I known at that time that further developments would follow, I would certainly have held that the discussion was entirely foreign to the subject under consideration, but, in view of the fact that my attention has been drawn to it, I think that quite enough mutual recriminations have been exchanged between the two different parties. Henceforth, I rule that the discussion should be strictly confined to relevant points, i.e., whether the Bill should be referred to a Select Committee or be circulated for eliciting opinion thereon.

Maulvi MUHAMMAD MOZAMMEL HUQ: আমার কথা এই যে আমাদের এই বিলটা যে Select Committee তে যাবার জন্য যে প্রস্তাব হয়েছে সেটাকে আমরা oppose কোরছি। গভর্ণমেণ্ট যখন দুই বৎসরের জন্য certificate, রহিত কোরেছেন, তখন আমার বন্ধু আব্দুল বারি যে বোলেছেন—যে এই বিল যদি select committee তে দেওয়া যায় তাহলে লোকের সর্ব্বনাশ হোয়ে যাবে,—সেই কথার প্রমাণস্বরূপ এই কথাটা বোলছি যে যখন সর্ব্বা আইন জারি হয়েছিল, তখন সেই আইনটী জারি হবে এই চরাসেই আইনটী জারি হবার

আগে ১ বৎসরের থেকে ৫, ৬, ৭, ৮ বছরের হাজার হাজার ছেলেমেয়ের বিয়ে হয়ে গিয়েছিল, সেই রকম যদি তারা টের পায় যে শীঘ্র এই আইনটা বন্ধ হবে, তাহলে যাদের হাতে ক্ষমতা আছে, তারা যদি ৬ মাস মাত্র তাদের হাতে এই আইনটা পায়, তাহলে abolition এর কাজ ৬ মাসে কোরে নেবে। সেইজন্য Government যে দুই বৎসরের জন্য suspend কোরেছেন সেইজন্য গভর্ণমেণ্টকে আমরা support করি। আর গভর্ণমেণ্ট যে ২ বৎসর পরে এই আইনটা তুলে দেবেন সেটাও আমরা বিশ্বাস করি। Certificate তুলে দেবার প্রমাণস্বরূপ এখন থেকে ২ বৎসর এ আইনের কাজ কিছু হবে না— Government এইরকম suspension order দিয়েছেন তার উপর বিশ্বাস কোরে আমরা এই প্রস্তাব oppose কোরবো। Select Committee তে দিলে, আমাদের বিশ্বাস, প্রজার ভয়ানক অনিষ্ট হবে।

Mr. M. SHAMSUDDIN AHMED: Mr. Speaker, Sir, I rise to support the motion that has been moved by my friend, Mr. Abu Hossain Sarkar. Sir, my friend Maulvi Abdul Bari has said much about the difficulties and rigours attendant on the certificate procedure, and he has also said much about the difficulties of the tenantry of Bengal. I sympathise with him from the bottom of my heart in that respect. Everybody knows about the rigours of the certificate procedure and the hardships that follow from the promulgation of this procedure.

Sir, I have not been able to follow the argument as to how the stoppage or suspension of the issue of certificates and the reference of this Bill to a Select Committee can come into conflict with each other. My friends, Maulvi Muhammad Mozammel Huq and Maulvi Abdul Bari, have said that this is a move to put the tenantry of Bengal in a much more difficult position, because if you allow the Bill to be referred to a Select Committee and at the same time the certificate procedure is in operation, the tenantry of Bengal will be put in a very difficult position. I submit, Sir, that neither the law nor anything else stands in the way, and Government have power to suspend the operation of the certificate procedure without an amendment of the Act. We have in this House passed a motion for the abolition of the certificate procedure, so far as private zemindars are concerned.

I do not understand why we cannot apply the same law to those zemindars—those fortunate few—whose estates are under court of wards and khas mahal. Therefore neither reason nor logic nor anything can stand in the way so far as the suspension of the certificate procedure is concerned and reference of the Bill to a Select Committee is concerned. It is no use hoodwinking the members of this House. You may hoodwink them for a certain length of time but you cannot hoodwink the public who are sitting outside as spectators. I do not want to speak much nor do I want to attack anybody. I do not want to attack the Coalition Party, nor do I want to speak anything about the Congress Party. But I may say that Mr. Mozammel Huq is possibly mistaken and has possibly forgot in his zeal and enthusiasm that the

Bill was initiated on behalf of Krishak Praja Party by Maulvi Abu Hossain Sarkar.

I know Mr. Suhrawardy is possibly feeling the pinch as my friends here are hearing what I have been saying to this House. I would appeal to Mr. Suhrawardy and ask him—can he say that there are difficulties in the way of Government so far as the suspension of the operation of the certificate procedure and reference of the Bill to a Select Committee are concerned. We can sit as members of the Select Committee for a certain length of time to consider the provisions of the Bill and in between the suspension of the certificate procedure may be put into operation. What is the difficulty? I would appeal to the members of the Coalition Group to consider this. There if no use hoodwinking: let us sit calmly and think calmly, I would say that there is not the least conflict. Government have got the power to suspend the operation of the certificate procedure and I appreciate it. I thank the Hon'ble Chief Minister that he has promised that he will suspend the certificate procedure; therefore let the suspension of the certificate procedure be given effect to and let also the Bill be referred to a Select Committee.

Mr. JOGESH CHANDRA GUPTA: The question be now put.

Mr. SPEAKER: The question before the House is that the Bengal Public Demands Recovery (Amendment) Bill, 1937, be re-circulated for the purpose of eliciting opinion thereon by the 8th February, 1939.

The motion being put a division was taken with the following result:—

AYES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mir. Mirza.
Abdul Hakim Vikramperi, Mr. Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Maulvi.
Abdul Kader, Mr.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdur Shaheed, Maulvi Md.
Abul Hashim, Maulvi.
Abul Hossain, Mr. Ahmed.
Abul Quasem, Maulvi.
Afzal Hossain Joardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Ganyalpuri.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Ahmed Khan, Mr. Syed.
Alfazuddin Ahmed, Khan Bahadur.
Aminullah, Maulvi.
Amir Ali, Md. Mia.
Anderson, Mr. J. P.
Armstrong, Mr. W. L.
Ashrafali, Mr. M.
Auled Hossain Khan, Maulvi.
Bannerman, Mr. H. C.
Barat Ali, Mr. Md.
Chippendale, Mr. J. W.
Crosfield, Mr. L. M.
Das, Mr. Anukul Chandra.
Edbar, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman Mukhtear, Mr.
Ferguson, Mr. R. B.
Giasuddin Ahmed Chowdhury, Mr.
Golam Sarwar Hossni, Mir Shah Syed.

Griffiths, Mr. G.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hassanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur
Hasina Mugheed, Mrs.
Hatemally Jamadar, Khan Sahib.
Hendry, Mr. David.
Idris Ahmed Mia, Mr.
Jalaluddin Ahmed, Khan Bahadur.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
Kennedy, Mr. I. G.
Khaitan, Mr. Debi Prosad.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Miller, Mr. G.
Mohammed Ali, Khan Bahadur.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Israil, Maulvi.
Muhammad Siddique, Dr. Syed.
Muhammad Solaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Putin Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawai Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srij Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Nasscher Ali, the Hon'ble Maulvi Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Norton, Mr. H. R.
Patton, Mr. W. G.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Ray Chodhury, Mr. Birendra Kishore.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Mr. Dhananjoy.
Roy, Rai Bahadur Kshirod Chandra.
Sadaruddin Ahmed, Mr.
Saifruddin Ahmed, Haji.
Salim, Mr. S. A.
Sanaullah, Al-Haj Maulana Dr.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. M.
Sen, Rai Bahadur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khandkar, Mr.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, Maulvi.
Tofel Ahmed Choudhury, Maulvi Haji.
Waliur Rahman, Maulvi.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Wordsworth, Mr. W. C.
Zahur Ahmed Choudhury, Maulvi.

NOES.

Abdul Hafeez, Khan Bahadur Syed.
Abdul Hakim, Maulvi.
Abdul Majid, Maulvi.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazal, Mr. Md.
Acharyya Choudhury, Maharaja Sashi Kanta of Muktagacha, Mymensingh.
Aftab Ali, Mr.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerjee, Dr. Suresh Chandra.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Banerji, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan
Barma, Mr. Premhari.
Barma, Mr. Puspajit.
Barman, Mr. Shyama Prosad.
Barman, Mr. Upendra Nath.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra.
Biswas, Babu Lakshmi Narayan.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Mr. Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Mr. Mahim Chandra.
Das, Mr. Radhanath.
Das, Mr. Manmohan.
Das, Mr. Debendra Nath.
Das Gupta, Mr. Khagendra Nath.
Das Gupta, Dr. J. M.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Dolui, Mr. Harendra.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Dutta Mazumdar, Mr. Niharendu.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gomes, Mr. S. A.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Himadhagta, Mr. Prabhudayal.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kumar, Mr. Atul Chandra.
Kundu, Mr Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.

Mazumdar, Mr. Birendra Nath.
Mal, Mr. [illegible] Chandra.
Mandal, Mr. Bahku Behari.
Mandal, Mr. Jogendra Nath.
Maqbul Hossain, Mr.
Mukherji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. H. C.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nasker, Mr. Hem Chandra.
Pain, Mr. Barada Prosanna.
Pramanik, Mr. Tarinicharan.
Ramizuddin Ahmed, Mr.
Roy, Mr. Patiram.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Monmatha Nath.
Sanyal Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar.
Sarkar, Mr. Madhusudan.
Sen, Mr. Nagendra Nath.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Zaman, Mr. A. M. A.

The Ayes being 115 and Noes 87 the motion was carried.

Mr. SPEAKER: The motion of Maulvi Abu Hossain Sarkar automatically falls through.

The Bengal Cruelty to Animals (Amendment) Bill, 1938.

Mr. NALINAKSHA SANYAL: I beg to move that the Bengal Cruelty to Animals (Amendment) Bill, 1938, as passed by the Bengal Legislative Council, be taken into consideration.

After the heat and turmoil of the previous discussion it is really a very pleasant task on my part to propose a measure which I am sure would receive universal support in this House. This Bill is directed to stop the pernicious system of *phooka* than which a more reprehensible operation can hardly exist. The present law in regard to cruelty to animals has been found wanting in sufficiently putting a stop to this practice. The proposed Bill which has been passed by the Council has in some respects made the rigours of law stringent and it is hoped that after this Bill is enacted into law there will be a greater check put on the evil. I presume that the hon'ble members all know what the *phooka* is. I am really not in a position to describe in adequate language the atrocity connected with this system. In order to profiteer by exacting a little more milk certain milkmen are practising this inhuman torture on dumb animals and I do not know with what language to describe this practice. It has been stated by competent authorities that the milk obtained by the *phooka* process is not only unwholesome to the human being and unsavoury but it is positively dangerous to children. Medical men of all system, allopaths like Sir Nilratan Sarkar, homeopaths, kabirajes and hakims have all with one voice condemned the practice and the milk obtained through this practice. It is also recorded by authorities like the Secretary of the Calcutta Society for the Prevention of Cruelty to Animals that the practice which they themselves have witnessed is one of the gravest and of the most pernicious character.

The Principal of the Bengal Veterinary College has in addition to the humanitarian aspect, from which this practice should be attacked, also states that there is an economic aspect involved therewith, namely, that the cow or any other milch animal becomes sterile after *phooka* is practised on the same, and even from the economic point of view also this system leads to very dangerous results. Eminent men of all communities in Bengal headed by no less a person than our Chief Minister, the Hon'ble Mr. Fazlul Huq, have condemned this practice, and the Hon'ble Chief Minister has stated that the existence of this reprehensible practice, is nothing short of a shame to the country. His Excellency the Viceroy has appealed to the country to see that this practice, this grossly cruel practice——

Mr. SPEAKER: I am not sure, Dr. Sanyal, anxious as you are to set up Parliamentary conventions and practices here, that you should not be following the Parliamentary conventions of not bringing in the Governor-General's or the Governor's name in order to influence opinion one way or the other.

Dr. NALINAKSHA SANYAL: So far as I know, Sir, it is only the King's name to which all references are prohibited in Parliament.

Mr. SPEAKER: All reference to Viceroy also should be avoided, and I think you should avoid that

Dr. NALINAKSHA SANYAL: Very well, Sir. I find, that eminent persons of all communities have condemned this practice. The question now is how best to put a stop to it. I am sure the Government, as much as any other member of this House is keen on putting a stop to this nefarious practice. It must be admitted that unless public opinion is properly roused, a thing which may be practised secretly behind the walls cannot be completely eradicated, but there must be at the same time enough legislative powers in the hands of the Government and the executive to take necessary measures to stop this practice, and there must also be such measures which would deter any miscreant from indulging in things like these. The Bill that is before us seeks to make certain small changes in the present enactment. It is expected that with these changes considerable powers will be secured in the hands of the executive. The most important change, I must say is where it is proposed in section 2 that *phooka* will be regarded as a cognisable offence. The other change proposed is to raise the penalty from Rs. 200 (which it was formerly) to Rs. 500 as fine, and to raise the period of imprisonment from 6 months to 2 years. There are two other clauses which seek to encourage detection. In the first place it is proposed to give power to the judiciary to pay a portion of the fines realised to the person who helps in the detection and in the second

place it is sought to empower the commissioner of a municipality or of the Calcutta Corporation to refuse to sanction the construction of buildings or cow-sheds in such a manner that the practice of *phooka* cannot be observed from outside; that is to say, the Corporation of Calcutta and other municipalities are sought to be empowered to refuse to sanction such cow-sheds which seek to have walls round them.

I need hardly make any more observations at this stage in connection with this Bill. I only want to say one word, however. There are a number of amendments proposed which I find on the order paper. A Bill which has been passed by the Council, if it is changed or modified in the slightest degree here, will have to be sent back again to the Council. I have carefully examined the amendments. Without entering into the merits of any one of them, I will appeal to those members who have given notice of these amendments to say whether they would like the Bill to be postponed and the salutary enactment that we are all anxious to see enacted at an early date delayed as a consequence of these amendments. Accordingly I would appeal to them to withdraw the amendments if possible.

With these words, Sir, I commend the Bill as passed by the Legislative Council to your consideration.

Mr. SANTOSH KUMAR BASU: As a representative of the Bengal Legislative Assembly on the Calcutta Society for the Prevention of Cruelty to Animals I desire to intervene with a few words in this debate. The Calcutta Society for the Prevention of Cruelty to Animals had been focussing public attention on the evil practice of *phooka* for several years past. Public meetings were organised in collaboration with the Anti-*phooka* Association whose services in this connection ought to be publicly acknowledged. They have created such an amount of stir in public opinion that it is mostly on that account that to-day we are discussing on the floor of this House a measure which should have come into existence long, long ago. In this connection I think a word of gratitude is certainly due to Mr. Lalit Chandra Das who initiated this measure in the Bengal Legislative Council, in consequence of which it has come before us to-night.

Dr. Nalinaksha Sanyal in moving the acceptance of the Bill, as it has emerged out of the Council has suggested that the amendments which have been tabled by different members should be withdrawn in order to facilitate the passing of the Bill without any further delay. There is considerable force in the suggestion and, personally speaking, if this Bill has really attained that strength which the situation calls, for then I should support his appeal. Under these circumstances while according the fullest possible support to the measure as it has emerged out of the Legislative Council which has brought into existence a much-needed legislative measure, I should also ask the Assembly to say

whether it is not necessary, in the interest of making provisions which are necessary for the purposes of meeting the situation, that some of these amendments should be accepted by this House even at the risk of causing some amount of delay in passing the measure in its final shape. Those who have considered this question and have taken the trouble of tabling these amendments will present before this House their point of view. I would earnestly appeal to each and every member of this House to accept the principle of this Bill and to make it as stringent as possible so that the miscreants who work in the dark, the perpetrators of that crime may be brought to book and exemplary punishment may be meted out to those who are bringing disgrace upon humanity in this city and in the surrounding areas.

Maulvi TAMIZUDDIN KHAN: I rise to give my whole-hearted support to the motion of my esteemed friend Dr. Sanyal. A Bill like this was in my opinion long overdue, and the Upper Chamber which was taken the initiative in this matter really deserves the congratulations of this House. (Dr. NALINAKSHA SANYAL: Not Upper Chamber but the Legislative Council.) I do not know what is the difference between an Upper House and a Council under the Government of India Act. Dr. Sanyal sees a distinction where there is no difference at all. I for myself am one of those who are not in favour of the existence of an Upper House in any province whatsoever in India, yet this is an occasion on which we cannot but give our felicitations to the Upper House for taking initiative in this matter. (SEVERAL MEMBERS: It is not an Upper House.) Some of my friends are incorrigible and are not at all generous enough to give the name of Upper House to the Council. However, Sir, a practice like this that has been in existence in this country for so long a time is a slur on the community and it is really a matter for gratification that now at last steps are going to be taken which, I think, will put a stop to this inhuman practice. But I think, one thing will be necessary. A law like this, however stringent it may be, is not likely to achieve its purpose unless there is full co-operation of the public behind the measure. In a matter like this I think the whole of Bengal will co-operate to make the operations of the law successful We know, Sir, that those who are making money out of this inhuman practice will try their best to thwart the operation of this measure. It will, therefore, be up to us, up to those who are against this inhuman practice, to see that the objects of this measure may not be frustrated by those people. Sir, not many words are necessary to give support to a measure like this. We think, the House is unanimous that this Bill should be passed without any amendment, for this reason that if certain amendments are passed, that will only cause delay to the Bill being ultimately placed on the Statute book. I think, the clauses of the Bill which are already there will be sufficient for fighting this evil. I, therefore, think that those of my

friends who have given notice of amendments would withdraw them and pass the Bill, as it now stands. With these words, I give my support to this Bill.

Mr. W. C. WORDSWORTH: Mr. Speaker, Sir, the European group, in supporting this measure would like to express its appreciation of the Council that has put it before us, and at the same time we wish to say how amazed we are that a measure of this sort should be necessary at this time. Some of us have been here for many years and we cannot remember a time when there was not an agitation about this evil. If public opinion means anything, public opinion should long ago have forced the necessary action upon Government and that we are still discussing this matter, means that we have not yet in India found means of making public opinion impressive. This is a land where tenderness to animals has been taught as it has been in few lands, the land where the Buddha taught and where the cow itself has so to say a peculiar status in the national life, and yet to-day we have to discuss measures of this sort. The European group gives its support wholly and without reserve to the Bill, and I would echo the opinion already uttered and say that it would be well if we could pass the Bill at once as it stands and run no risk of allowing an evil to continue through delay that might follow. Efforts might be made to improve the Bill in this way or that.

The motion was put and agreed to.

Mr. Narendra Nath Das Gupta's motion that after clause (*1*) the following be inserted, namely:—

1A. In section 1(*3*) of the Bengal Cruelty to Animals Act, 1920, read "to whole of Bengal" in place of "only to Calcutta" and the rest after "Calcutta" be deleted.

was declared by Mr. Speaker as out of order.

Clause 1.

The motion that clause 1 stand part of the Bill was put and agreed to.

Clauses 2 and 3.

The motion that clauses 2 and 3 stand part of the Bill was then put and agreed to.

Mr. DEBI PROSAD KHAITAN: There are some amendments on the agenda standing against my name. My object was to supply certain omissions which, I thought, exist in the Bill that have been passed by the Bengal Legislative Council. But, Sir, as is well known, if any amendment is adopted by this House the result will be that the Bill will be held up for quite a long time. I personally do not know whether any non-official day has been allotted in the Upper House at the present moment. In the circumstances, Sir, as it is very necessary that the Bill should be passed into law, I do not intend to move the amendments standing against my name.

Preamble.

The motion that the Preamble stand part of the Bill was then put and agreed to.

Dr. NALINAKSHA SANYAL: I put that this Assembly do agree to the Bill as passed by the Legislative Council on the 26th January and I move that this Bill be passed.

The motion was put and agreed to.

The Bengal Sweepstakes Bill, 1937.

Mr. P. BANERJI: I beg to move that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Home (Police) Department,

(2) Mr. Santosh Kumar Basu,

(3) Mr. W. L. Armstrong,

(4) Dr. Nalinaksha Sanyal,

(5) Mr. Anukul Chandra Das,

(6) Mr. Jasimuddin Ahmed,

(7) Maulvi Abdul Bari,

(8) Mr. C. Griffiths,

(9) Mr. H. R. Norton,

(10) Mr. H. C. Bannerman,

(11) Kazi Emdadul Hoque,

(12) Mr. Syed Hassan Ali Chowdhury,

(13) Mr. Rogers Haywood,

(14) Mrs. Hasina Murshed, and

(15) the mover,

with instruction to submit their report by the 31st March, 1938, and that the quorum of the Select Committee be fixed at five.

Sir, in doing so I must say that I am now fortified with the public opinion. It was circulated for public opinion, and so far as four volumes that have been received, only in nine cases the supporters are in favour of Sir Nazimuddin, while the whole of Bengal is practically in my favour. Now, it can be safely said that Sir Nazimuddin will now, in the light of public opinion, which is in my favour, find no hesitation in supporting the Bill on behalf of the Government for reference to the Select Committee. Sir, as public memory is proverbially short, I have to meet the arguments that were put forward by Sir Nazimuddin in moving his motion for circulation last session. I must point out that this measure has been before the Legislature for the fifth time, and every time it was brought before the House the same argument was given by Sir John Woodhead and other members. I mean, Sir Robert Reid, etc., and it is unfortunate that the same old argument has been put forward by Sir Nazimuddin in the new House. The only argument on which he takes his stand is the question of morality. The only point that he insisted is that it is immoral and Khan Bahadur Jalaluddin and some other members also brought the question of Koran. Sir, I must confess that gambling is not encouraged by any religion or by anybody, but that is not the point. The point is whether this should be supported or should not be supported on other grounds. The only ground of morality does not stand. I will prove that to Sir Nazimuddin in a minute. Sir, if it is against the Koran, I do say the Koran is far more emphatic in matters of wine and debauchery. Then, Sir, it is up to Sir Nazimuddin to at once stop the Excise Department, and if he cannot do so, the only logical course for him is to resign at once.

Sir, it is not the first time that this is discouraged, but then I fail to understand why they should encourage existing lotteries that are going on here. It is supported by all, from the Ministers of the State to the Ministers of the Church, and lotteries are being held as I pointed out when I moved my motion. I named them but still Government would not take action and like the proverbial Ostrich shirk work. Sir, if the opinion is scrutinised, we will find that persons interested in other lotteries have only given the opinion against me, and I will prove that some are directly interested and some are indirectly interested. However, that does not matter. The only thing that matters is for the Government to consider whether public opinion is in my favour. Now, Sir, if I scrutinize the speech again of Sir Nazimuddin, he pointed out the evil effects of this, and for example

he quoted a single instance of a man in Bombay who died by shock after hearing of a large prize he obtained in a lottery. Sir, this is but a solitary instance, but what about the millions dying for want of proper medical attention and for the lack of hospital accommodation. Here, particularly in Bengal, Sir William Prentice and other Members replying to the debate could not answer Mr. Armstrong's enquiries about hospital arrangements, and the only argument that they put forward was that it was not possible to make those hospital arrangements owing to the paucity of funds. Sir, that being the case, is it not time for Government, as I have suggested in my Bill, to accept my motion and discourage this sort of lotteries in Calcutta? Government often talk of anomalies, but if they accept my measure they will have no occasion for those anomalies, because I have given them the power of rule-making, and have also given them power of issuing licenses, and application for deposit under this Act. As a matter of fact, I have given absolutely a blank cheque to Government.

Sir, as the time is very short, I must put the whole matter in a nut-shell. And fortified as I am by public opinion, after referring to only one point I will resume my seat, and that point is that while lotteries such as race course betting and even dog-racing may be patronised by Government, what difficulty is there in accepting my motion and referring it to Select Committee? Even if there is any difficulty on the part of Government, their point of view may be discussed and decided in the Select Committee.

With these words, Sir, I move my motion for reference to Select Committee.

Mr. W. L. ARMSTRONG: Sir, I rise now on my own former ground as supporter of Mr. P. Banerjee. My name is associated with the lotteries for hospitals, etc. On the last occasion, when Sir Nazimuddin opposed this measure he drew a tragic picture of a man who died as a result of having a winning ticket in a lottery. I trust that the next absence from this House will not be due to somebody having been left a large and unexpected legacy. Sir, I want to convey this to my Mahomedan friends over here. I can understand orthodoxy and I can understand our defects and superstitions and I will never advocate gambling as such. I have never come to the Council to tell why lottery tickets should be sold. I have heard Mr. P. Banerji well. A Hospital ticket is worth Rs. 7-8 and that money goes to the Hospital. If we can do something good to hospitals, I cannot understand what is the wrong in selling such tickets for a good purpose. Ireland has made large sums of money by the sale of tickets. People who have got the moral courage have extricated themselves from the clutches of the sale of bogus tickets. When I advocate lottery tickets for the benefit of hospitals only, I do it with this point of view; first of all to relieve the

budget and in relieving the budget Mr. Banerji forgets to mention in his speech about Education, Medical, etc., but it will do relief for the people in respect of medical aid. Next year you can use them for educational works, allowance money of students, etc. I was once investigating the affairs of the Medical College Hospital. There was a time when I was on the Presidency Hospital. I refused to sign a book having noticed something wrong there. Doctors know it, nurses know it, everybody knows it. I am not here to deliver a long speech but I do think that the matter should be referred to a Select Committee and let us get their considered opinions taking into consideration the sale of tickets for philanthrophic purposes, and then you will find something to come out. I can assure you succour.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not know how the mover of this motion got the idea that I opposed the Bill merely on grounds of morality. I opposed it primarily because it is the most expensive way of raising money for any purpose—be it charitable or for administrative purpose. I opposed it because in a poor country like India it will be ruinous to the cultivators and the masses to have lotteries run in this province. People have been carried away with the large amounts of money made by Ireland. Please do not forget that Ireland has stepped in and taken the cream of the market. You cannot compete with Ireland and get the same amount of money from foreign countries as Ireland has done. The money you will have to raise from Bengal, and has anybody visualized what it will mean? It will mean that every person in every village will be running about with slips of paper saying lottery tickets to be sold for two rupees and three rupees and every poor man will be tempted with an idea of winning five lakhs or ten lakhs by these tickets. People who will not be in a position to afford money for buying these tickets, there is going to be a Bill.

Mr. JOGESH CHANDRA GUPTA: What about the Treble Tote?

The Hon'ble Khwaja Sir NAZIMUDDIN: I expected a better retort than that from Mr. J. C. Gupta. That is just the point. The number of race-goers, the number who buy tickets for the Treble Tote is limited to the few who visit Calcutta whereas these lottery tickets will be hawked about in every village in every town, in every hamlet of Bengal (hear, hear) and there can be no comparison whatsoever to anything that is being done in Calcutta or a town like Dacca to the selling of tickets. Not to the limited number of people but to every one—men and women—in Bengal. In every house you will have with this unemployment thousands of people who will go forward to sell these tickets, and the promoters once they have got permission with their idea that the end justifies the means and the end being the elevation of

distress every one will come forward to sell these tickets. They will come about in their villages in their towns far remote in the interior. Everywhere you will see the agents running about with a ticket in his hand trying to sell them to the poor cultivators. This is the thing you have got to visualise. That is going to happen but please do not forget this. It is nothing like going to the race in Calcutta where about 50 or 60 thousands of people are betting. It is nothing. The comparison is the thing that counts. It is the comparative evil that is there. It is this that the number of people affected in these is insignificant compared to the number of people who will be there and again please, Sir, remember people who go to the race-course go willingly with their eyes open. They are not canvassed, they are not asked to buy tickets, whereas in this in every house in every village hut there will be people not only the men who go to the races but the women will be persuaded. "Here you are, this two rupees ticket will fetch 50 thousand rupees as first prize, 10 thousand as the second prize, 5 thousand as the third prize." That is what is going to be told to the womenfolk to the men, to the boys to anyone who can get hold of that ticket. That is the temptation that will be put forward. That will be the thing that in a poor country where people are not even able to pay their rents, people who are not able to pay their taxes, people who are not able to pay their Mahajan who cannot pay 12 annas for primary education, those people will be buying the lottery tickets. I ask from the economic point of view nothing can be more pernicious and disastrous to the people of Bengal than this and where are you going to draw up your limit? Any number of these societies, any number of these clubs they will come forward to offer to sell the tickets. The bets will be innumerable. You will not be able to distinguish between them and then comes the great danger there is the abount you pay for spurious tickets, faked tickets being sold in large number in the remote villages where detection will be impossible and these poor people will pay for their such tickets. They are ignorant; they never see the papers. They know nothing.

Mr. SANTOSH KUMAR BASU: Bengal will be ticket-minded.

The Hon'ble Khwaja Sir NAZIMUDDIN: Please do not think that you have made the remarks in a flippant way. It is absolutely correct. It will really become so.

What is more these spurious tickets forged tickets will be hawked about in the remote villages and it may be very difficult to detect them and there will be large numbers of people who will be swindled if these things are done. Therefore, I submit that this is a thing which should not be encouraged, and cannot be encouraged, either from the economic point of view or from the administrative point of view. The temptation, I admit, is very great. Here is Ireland with its millions for its hospitals.

Mr. SANTOSH KUMAR BASU: But there is Behala with its dog-racing!

The Hon'ble Khwaja Sir NAZIMUDDIN: But stopped, please remember. And here are these tickets being sold in large numbers and people are being tempted to spend their money. And if the money were to come so easily, why is it that in other places they are not having the same degree of success as Ireland is having? Remember that once you start lotteries here, the Irish lottery tickets will be sold ten times more in number than they are now, and what is more the money will be going out just as much out of this country as it will be coming in here. At the present time how many people are there who know anything about lotteries, but once every paper of yours publishes big advertisements—full-page and half-page advertisements—and once every vernacular paper publishes lottery sweep advertisements, everybody will begin to think of sweepstakes as a very good thing. And, once you have taken one ticket for one sweepstake, you will be looking forward to another sweepstake, and so on, and so on, with the result that you will have foreigners sending out tickets in thousands to this country for the purpose of sale to the poor and ignorant villagers—not only for Irish sweeps but also for bogus sweeps as well, run in certain European towns. These poor people, as one can well imagine, will be buying these tickets, and at the end of five or six months every poor man will think that he has got a good chance of winning a prize. I would point out that the result of this will be that these poor men will not be satisfied with the sweeps that are run in Bengal only—they will, in fact, be looking forward to the sweeps that are run outside Bengal. Therefore, Sir, I think that, apart from religious and moral grounds, from the economic point of view also, these sweepstakes are pernicious and are things which should be avoided and certainly should not be encouraged.

Mr. SARAT CHANDRA BOSE: What about the Turf Club Sweepstakes?

Mr. AHMED HOSAIN: I submit, Sir, that the question be now put.

The Hon'ble Khwaja Sir NAZIMUDDIN: On a point of order, Sir. Has the hon'ble mover taken the consent of the members proposed for the Select Committee?

Mr. SPEAKER: Yes.

The Hon'ble Khwaja Sir NAZIMUDDIN: But what about mine?

Mr. SPEAKER: I suppose, he has taken it for granted, as under the rules the member in charge of the department must be named a member.

I shall now put the question before the House.

Mr. W. L. ARMSTRONG: Sir, I submit that there is nothing for the Hon'ble the Home Minister to rise on a point of order. He is simply labouring under a misapprehension——

Mr. SPEAKER: I am afraid you have no right of reply.

Mr. W. L. ARMSTRONG: No, Sir, I was not replying.

The motion of Mr. P. Banerji that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Home (Police) Department,

(2) Mr. Santosh Kumar Basu,

(3) Mr. W. L. Armstrong,

(4) Dr. Nalinaksha Sanyal,

(5) Mr. Anukul Chandra Das,

(6) Mr. Jasimuddin Ahmed,

(7) Maulvi Abdul Bari,

(8) Mr. C. Griffiths,

(9) Mr. H. R. Norton,

(10) Mr. H. C. Bannerman,

(11) Kazi Emdadul Hoque,

(12) Mr. Syed Hassan Ali Chowdhury,

(13) Mr. Rogers Haywood,

(14) Mrs. Hasina Murshed, and

(15) the mover,

with instruction to submit their report by the 31st March 1938, and that the quorum of the Select Committee be fixed at five, being put and a division taken with the following result:—

AYES.

Armstrong, Mr. W. L.	Gomes, Mr. S. A.
Banerjee, Mr. P.	Griffiths, Mr. C.
Shippendale, Mr. J. W.	Petlow, Mr. W. G.

NOES.

Abdel Aziz, Maulana Md.
Abdel Bari, Maulvi.
Abdel Hafiz, Mr. Mirza.
Abdel Hakim, Maulvi.
Abdel Hakim Vikrampuri, Mr. Md.
Abdel Hamid, Mr. A. M.
Abdel Jabbar Paiwan, Mr. Md.
Abdel Kader, Mr.
Abdel Karim, Mr.
Abdel Latif Biswas, Maulvi.
Abdel Majid, Maulvi.
Abdel Majid, Mr. Syed.
Abdel Wahab Khan, Mr.
Abdel Wahed, Maulvi.
Abdella-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdus Shakeed, Maulvi Md.
Abu Hossain Sarkar, Maulvi.
Abdul Fazi, Mr. Md.
Abul Hashim, Maulvi.
Abul Hossain, Mr. Ahmed.
Aftab Ali, Mr.
Aftab Hossain Joardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Enayetpuri
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Ahmed Khan, Mr. Syed.
Affazuddin Ahmed, Khan Bahadur.
Aminullah, Maulvi.
Amir Ali, Md. Mia.
Anderson, Mr. J. P.
Ashrafali, Mr. M.
Aulad Hossain Khan, Maulvi.
Bannerman, Mr. H. C.
Barat Ali, Mr. Md.
Barma, Babu Prombari.
Barman, Babu Shyama Prosad.
Barman, Babu Upendra Nath.
Crosfield, Mr. L. M.
Das, Mr. Aoukul Chandra.
Dass, Babu Debendra Nath.
Edber, Mr. Upendranath.
Emdadel Haque, Kazi.
Farhad Reza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman Muktear, Mr.
Giasuddin Ahmed Choudhury, Mr.
Golam Sarwar Hossini, Mr. Shah Syed.
Habibullah, the Hon'ble Nawab Bahadur Kh, of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hasan Ali Chowdhury, Mr. Syed.
Hassanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur.
Hasina Murshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Mr.
Jalaluddin Ahmad, Khan Bahadur.
Jalaluddin Hashemy, Mr. Syed.
Jasimuddin Ahmed, Mr.
Jonab Ali Majumdar, Maulvi.
Kabiruddin Khan, Khan Sahib.
Mafizuddin Choudhury, Maulvi.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Sanku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Manirudin Akhand, Maulvi.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Israil, Maulvi.
Muhammad Siddique, Dr. Syed.
Muhammad Solaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Pulin Behary.
Musharraff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Sris Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Nasker, Mr. Hem Chandra.
Nausher Ali, the Hon'ble Mr. Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K. C. S. I.
Pramanik, Mr. Tarinicharan.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Ramizuddin Ahmed, Mr.
Roy, Mr. Patiram.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Saffiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sanaullah, Al-Haj Maulana Dr.
Sarkar, the Hon'ble Mr. Nalini Ranjan.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Shamsuddin Ahmed Khandkar, Mr.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, Maulvi.
Tofel Ahmed Choudhury, Maulvi Haji.
Waliur Rahman, Maulvi.
Wordsworth, Mr. W. C.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 6 and the Noes 117, the motion was lost.

The Bengal Money-lenders (Amendment) Bill, 1937.

Mr. SPEAKER: Order, order. It is proposed from the Congress Group that the House should sit a little later to-night and finish the next Bill in the items of business which is said to be non-controversial so far as its reference to the Select Committee is concerned. I understand that there will be no speech: only the mover will move that the Bill be taken into consideration. Have any of you got anything to say about it?

Mr. DEBI PROSAD KHAITAN: If I may be permitted to intervene, I may mention that there are certain very important matters of principle involved in the Bengal Money-lenders Bill, and I, therefore, want to discuss it. Sir, you have been pleased to say that the Bill is non-controversial but——

Mr. SPEAKER: I did not say, "the Bill is non-controversial," but I said that there was no controversy about its reference to a Select Committee. Do you want to raise any point and discuss it, Mr. Khaitan?

Mr. DEBI PROSAD KHAITAN: Yes, Sir, I want to raise a few points and discuss the principle before the Bill is referred to a Select Committee.

Mr. SPEAKER: Is there any other member who wants to speak on the Bill? If so, I shall have to postpone it to-day, otherwise I will ask Mr. Khaitan to speak.

Dr. NALINAKSHA SANYAL (and others): We do not want to speak.

Mr. AHMED HOSAIN: I beg to move that the Bengal Money-lenders (Amendment) Bill, 1937, be taken into consideration.

Mr. SPEAKER: You need not make a speech.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I beg to move by way of amendment that the Bengal Money-lenders (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

(1) Rai Jogesh Chandra Sen Bahadur,

(2) Mr. Jogesh Chandra Gupta,

(3) Dr. Nalinaksha Sanyal,

(4) Mr. Surendra Nath Biswas,
(5) Mr. Pulin Behary Mullick,
(6) Babu Kshetra Nath Singha,
(7) Mr. Ahmed Hossain,
(8) Mr. Mirza Abdul Hafiz,
(9) Maulvi Abdul Hakim,
(10) Maulvi Abdul Bari,
(11) Mr. Fazlur Rahman (Mymensingh),
(12) Mr. Abdulla-Al Mahmood,
(13) Mr. Shah Abdur Rauf,
(14) Maulvi Zahur Ahmed Choudhury,
(15) Khan Sahib Maulvi Syed Muhammad Afzal,
(16) Mr. Syed Abdul Majid,
(17) Maulvi Abul Hahism,
(18) Maharaja Sashi Kanta Acharjya Choudhury, of Muktagacha, Mymensingh,
(19) Mr. L. M. Crosfield,
(20) Mr. R. H. Ferguson,
(21) Mr. G. Morgan,
(22) Mr. Shah Syed Gholam Sarwar Hosaini,
(23) Maulvi Aftab Hossain Joardar,
(24) Babu Jatindra Nath Basu,
(25) Maulvi Rajibuddin Tarafdar,
(26) Maulvi Md. Mozammel Huq,
(27) Mr. Debi Prosad Khaitan,
(28) Maulvi Muhammad Israil,
(29) Maulvi Abdul Latif Biswas,
(30) Mr. Atul Ch. Kumar,
(31) Mr. Manoranjan Bannerjee,
(32) Mr. A. M. A. Zaman, and
(33) myself (Hon'ble Nawab Musharruff Hossain, Khan Bahadur),

with instruction to submit their report by the 31st July, 1938, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

I would like to add a few more names to this list——

Mr. SPEAKER: I won't allow it. I cannot accept names sent at the eleventh hour.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I do not think any speech is necessary at this stage as we all agree to the principle of the Bill.

Mr. DEBI PROSAD KHAITAN: I am very sorry that I find myself in a very awkward situation in having to trouble this House to listen to a speech of mine at this late hour on principles affecting the Bengal Money-lenders Act and the Amending Bill that has been put forward. Let it not be thought that I am opposed to the principle of reduction of interest, but certain principles have been introduced in the Bill which cannot be supported on the ground of any economic theory or practice and that is my justification for troubling this House to listen to a few words of mine. I would, in particular, draw the attention of the House to a certain amendment which is sought to be made to section 5 of the Bengal Money-lenders Act and that will illustrate the principle which I am trying to put forward before this House. Section 5 of the Act says "No money-lender shall recover by suit interest of any kind at a rate exceeding ten per cent. per annum in respect of any loan made after the commencement of this Act under a contract which provides for the payment of compound interest." To this section an amendment is sought to be made that instead of ten per cent. the rate of interest should be three per cent. only. I wonder whether the mover who has drafted this Bill or even the Government has considered in full the effect of amendments of this character. Even the biggest industrial firms cannot get loan at a rate of three per cent. per annum and by this amendment it is sought for all time to come to reduce the rate of interest to three per cent. per annum only. I can quite understand the Government which has got control over currency operations moving for the reduction of the rate of interest to three per cent. for all time, because it could by expanding currency to a sufficient extent keep control over the rate of interest in that manner, but it is well known that no Provincial Government in India has the slightest thing to do with the Currency Department of the country or with the Reserve Bank which is to issue the currency notes. We have no control whatsoever principle that the rate of interest should be reduced in this manner is over the currency of this country, but in spite of that to accede to a principle that the rate of interest should be reduced in this manner is to my mind something which cannot be acceptable to any person who thinks over this problem.

Even the amendments to the other sections of the Act proposed to reduce the rate of interest——

Dr. NALINAKSHA SANYAL: May I rise on a point of order? I find that Mr. Khaitan is examining the clauses and amendments and is trying to make out that the principle is not acceptable. These are

subjects that can very well be taken up in the Select Committee. I submit that if there is no objection to the principle, namely, that relief should be given to the debtors, we should proceed with the present proposal to refer the Bill to a Select Committee and no further time of the House should be taken by this sort of discussion.

Mr. SPEAKER: Mr. Khaitan now represents the cause of a minority interest in this House.

Mr. DEBI PROSAD KHAITAN: If the House is not prepared to discuss the principle, I do not want to waste the time of the House any further.

Mr. SPEAKER: Would you move your motion?

Mr. DEBI PROSAD KHAITAN: My motion was to circulate the Bill for opinion. But inasmuch as the Government has come forward with a similar motion——

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir, that motion cannot be moved.

Mr. DEBI PROSAD KHAITAN: A point of order has been raised that nobody can open his mouth.

Mr. SPEAKER: Are you going to move your motion?

Dr. DEBI PROSAD KHAITAN: No, Sir, I am not going to move it.

Maulvi ABDUL HAKIM: On a point of order, Sir, will the word "Mymensingh" be written along with my name?

Mr. SPEAKER: I have never heard that a point of order concerns Mymensingh. (Laughter.)

Mr. AHMED HOSAIN: I accept the Select Committee proposed by the Hon'ble Minister.

The motion of the Hon'ble Nawab Musharruff Hossain was then put and agreed to.

Dr. NALINAKSHA SANYAL: May I submit that there are two similar motions with regard to Money-lenders Bill? Will you kindly exercise your special power to take them up to-day and dispose of them, so that the Money-lenders Bills may be examined together?

Mr. SPEAKER: I do not think it is necessary for me to get those motions moved, and if there be unanimous agreement, they should be referred to a Select Committee, that will serve the purpose. I think I can move on your behalf that these two Bills, namely, the Bengal Money-lenders (Amendment) Bills, 1937, by Maulvi Rajibuddin Tarafdar and Maulvi Abdul Hakim be referred to the same Select Committee.

The motion was put and agreed to.

Adjournment.

Mr. SPEAKER: Although I wanted to announce that the House will sit at 3-45 to-morrow, some members urged that we should sit at 4 p.m. instead. Therefore I adjourn it to 4 p.m.

The Assembly was then adjourned till 4 p.m., on Thursday, the 3rd March, 1938, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 3rd March, 1938, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, ten Hon'ble Ministers and 211 Members.

STARRED QUESTIONS

(to which oral answers were given)

Detenu Babu Nalini Kanta Chakravarty.

***130. Maulvi MANIRUDDIN AKHAND:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state why detenu Babu Nalini Kanta Chakravarty interned at Raninagar Camp in the district of Rajshahi has not yet been released?

(*b*) Is it a fact that the Government proposed to release all the detenus interned at *mufassal* villages?

(*c*) If so, why the said detenu has not yet been released?

(*d*) Is it a fact that in spite of his repeated requests no information has been given to him regarding his sister Hashyabala Devi detained a few months ago at Barisal Jail?

(*e*) If the answer to (*d*) is in the affirmative, what is the reason of this?

MINISTER in charge of the HOME SPECIAL DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) He has been sent to his home.

(*b*) and (*c*) Do not arise.

(*d*) He was not allowed to correspond directly with his sister but he has been in communication with other members of the family.

(*e*) Does not arise.

Mr. PROMATHA RANJAN THAKUR: With reference to (*d*) will the Hon'ble Minister be pleased to state if it is the practice that correspondence is not allowed between any two detenus interned at different places?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state why correspondence of this detenu with his sister was refused?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because she was a detenu.

Internee Babu Brahmadas Talukdar.

*131. **Mr. AMRITA LAL MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether it is a fact—

(*i*) that Babu Brahmadas Talukdar of Tangail, has been interned in police-station Sabanga, district Midnapore;

(*ii*) that he has been suffering for the last six months from a severe attack of malaria, and

(*iii*) that the temperature is rising up to 105 degrees at present?

(*b*) If the answer to (*a*) is in the affirmative, what steps, if any, have the Government taken for his treatment?

(*c*) Is it a fact that the elder brother of the detenu submitted an application to the Government praying for his treatment and nursing with him as guardian?

(*d*) What is the decision of the Government on the said application?

The Hon'ble Khwaja Sir NAZIMUDDIN: He was at Sabanga, but has been sent to live with his brother at his home in the Burdwan district. While he was at Sabanga no complaint as to his health was received from him.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether the detenu is getting any allowance regularly?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that this question does not arise out of this.

Mr. SPEAKER: Yes, it does not arise.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state if while he was at Sabanga, he did not regularly get any allowance for medical treatment?

The Hon'ble Khwaja Sir NAZIMUDDIN: No allowance, Sir, is given for medical treatment of a detenu who is in village domicile.

Recitation of the verses of the Holy Koran in gramophones.

*132. **Maulvi JONAB ALI MAJUMDAR:** (*a*) Is the Hon'ble Minister in charge of the Home (Press) Department aware—

(*i*) that verses of the Holy Koran are recited in gramophones; and

(*ii*) that there is a feeling of resentment amongst Muslim community that it wounds their religious feelings?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of taking steps in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) Representations have been received from time to time but Muslim opinion as a whole does not support the objection.

(*b*) No; as it is not against the Shariat.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether any representation from the district of Bakarganj, signed by the leading people and addressed to the Chief Minister, Government of Bengal, was forwarded to him?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the Hon'ble member to my answer (*a*).

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state the Shariat that he quotes in support of his views?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because gramaphone is not a musical instrument.

Mr. SPEAKER: Order, order. There cannot be any discussion on any answer to a question.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state, with reference to (*d*), if it is in conformity with the Shariat?

Mr. SPEAKER: That question does not arise. Government is not responsible for the Shariat.

Mr. SYED JALALUDDIN HASHEMY: I rise on a point of order, Sir. It is definitely stated in answer (*d*) that it is not against the Shariat. Therefore, I am entitled to ask whether it is in conformity with the Shariat or not.

Mr. SPEAKER: No, no, you are not entitled to ask this question.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether the "Ulemas" were consulted in this matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think that it was necessary to consult them, because there was no Fatwa against it.

Mr. SANTOSH KUMAR BASU: Is the Hon'ble Minister aware that this is a very effective means of propagating the teachings of the Holy Koran to non-Muslims who might be anxious to get acquainted with them?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is certainly one of the possible ways of doing that.

Dr. H. C. MOOKERJEE: Will the Hon'ble Minister be pleased to state whether, in view of the fact that certain sections of Muslims are taking exception to this pratcice, he is not contemplating taking necessary steps so as not to wound their feelings?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that a Fatwa signed by Maulana Haji Abu Bakar was against this practice?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of this, Sir.

Puros of Murshidabad as distinct caste.

***133. Mr. RASIK LAL BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Home (Communications and Elections) Department be pleased to state whether the Pundaris *alias* Pundros *alias* Puros mostly living in Murshidabad and neighbouring districts are enumerated as distinct caste?

(*b*) Is it a fact that almost all the voters from that caste particularly in the Murshidabad district for the last Provincial Assembly election were included in the list of voters belonging to the caste Hindus even by the Presidents of the Union Boards belonging to the Pundro caste?

(*c*) Is it a fact that the final list of the Scheduled Castes of Bengal sanctioned by the final authority does not contain the name of the caste of the Pundaris *alias* Pundras *alias* Puros?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*c*) Yes.

(*b*) Presumably so, not only in Murshidabad but in all districts where there were voters belonging to this caste.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state whether according to Government the Poundras are high-caste Hindus or belong to the scheduled castes?

The Hon'ble Khwaja Sir NAZIMUDDIN: At any rate their names are not shown in the scheduled caste list.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that the name of the member of this Assembly who has been returned from the Murshidabad Scheduled Caste Constituency appears both in the Caste-Hindu list as well as in the scheduled caste list, as Poundras?

The Hon'ble Khwaja Sir NAZIMUDDIN: If there was any mistake opportunity should have been taken at the time of the election to rectify the mistake.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware that objection was made at that time to the Returning Officer on the ground that the Poundras were high-caste Hindus and not scheduled caste, and it was pointed out to him that the son and the wife and other relations of this gentlemen——

Mr. SPEAKER: That question I allowed once. I remember the "son and the wife".

Mr. SASANKA SEKHAR SANYAL: Very well, Sir, I drop this question. Is the Hon'ble Minister aware that objection was actually taken on the ground that he belonged to the caste-Hindus and was not a member of the scheduled-caste community, and that that objection was overruled?

Mr. SPEAKER: There cannot be any supplementary question on a matter which was a decision of the Returning Officer, because that is in the nature of a judicial proceedings which is open to further remedy.

Dr. NALINAKSHA SANYAL: There is no further remedy, Sir.

Mr. SPEAKER: Well, I do not think that there is any further remedy in this House either.

Mr. SASANKA SEKHAR SANYAL: In view of the Hon'ble Minister's reply that steps ought to have been taken at the time of the election that is why I am drawing attention to this, and asking him what further possible remedy there may be.

Mr. SPEAKER: Well, you have done enough. The question does not arise.

Mr. PRAMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to tell us what remedy lies if any Poru or Poundra, or wat-ever that might be, of Murshidabad, has usurped the privilege of the scheduled caste community, he himself being a caste-Hindu?

The Hon'ble Khwaja Sir NAZIMUDDIN: The scheduled-caste members ought to have objected when the electoral roll was published. They could have filed an election petition; and there are also other remedies.

Mr. PRAMATHA RANJAN THAKUR: Supposing, Sir, no such thing has been done——

Mr. SPEAKER: That is an argument, not a question.

Dr. NALINAKSHA SANYAL: Apart from filing an election petition, is there any other remedy which the Hon'ble Minister can think of?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think there cannot be any remedy now after the publication of that name in the electoral roll. As I have stated, the remedy was there, and if that remedy is not taken advantage of no further action is possible now.

Mr. RASIK LAL BISWAS: Will the Hon'ble Minister be pleased to state if he is prepared to take action in view of the fact that one of the members of this Pundra caste has been appointed an Inspector of Co-operative Societies by virtue of his being a member of a scheduled caste?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is very difficult to say whether he has been appointed by virtue of his belonging to a scheduled caste. The fact is that the Pundras are not in the list of scheduled castes.

Khathalia police-station, Bakarganj.

*134. **Mr. UPENDRANATH EDBAR:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*a*) whether it is a fact that Khathalia police-station in the district of Bakarganj is going to be abolished;

(*b*) if so, why;

(*c*) whether it is a fact that petitions, signed by the numerous people of the locality, have been submitted to the proper authority for the retention of the said thana; and

(*d*) whether a final decision has been arrived at, by the department, either for proposed abolition or for retention?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Government have not received any proposal from the Inspector-General of Police.

(*b*) and (*d*) Do not arise.

(*c*) No such petition has been received by the Inspector-General of Police, Bengal, or Government.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state the names of the police-stations in the district of Pabna which are going to be abolished?

Mr. SPEAKER: That question does not arise.

Charitable dispensary at Kurseong.

135. **Mr. KHAGENDRA NATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government (Medical) Department aware that there is not a single charitable dispensary at Kurseong maintained and managed by the District Board or by the Municipality or by the Provincial Government?

(*b*) Will the Hon'ble Minister be pleased to state the steps taken to remove this want felt by the people of this locality and request the district authorities to move in the matter?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Syed Nausher Ali): (*a*) There is a municipal charitable dispensary which is also aided by the District Board.

(*b*) Does not arise.

Shed within the compound of the District Judge's Court Faridpur.

*136. **Mr. SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Judicial and Legislative Department aware that there is no shed for male or female witnesses within the compound of the District Judge's Court of Faridpur?

(*b*) Have the attention of the Government been drawn to the inconveniences of the litigant public for want of such a witness shed?

(*c*) Have the Government taken any steps towards the construction of such a shed?

(*d*) If so, what steps have been taken?

(*e*) If not, is the Hon'ble Minister considering the desirability of such construction?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharuff Hossain, Khan Bahadur): (*a*) Yes.

(*b*) Witnesses are permitted to sit in the portico and the verandahs on all sides of the court building which is two-storied. The inconvenience is caused rather to the courts than to the witnesses.

(*c*) to (*e*) A proposal to provide a shed is under consideration.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the latter portion of the answer (*b*) applies to the case of female witnesses also?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I spoke about the witnesses who may be both male and female.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state whether he is aware that on account of the inconvenience caused to courts, witnesses are occasionally asked to leave the verandah in such a manner as to cause an offence?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: After all, these are cases of Finance. If this House would give me sufficient money to build witnesses' shed and all other sheds, I have no objection to build as many houses as you want for your comfort.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that much inconvenience is caused to female witnesses while attending courts for want of witnesses' shed?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Yes, Sir.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he has asked the Finance Minister already to provide sufficient money for such sheds?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Unfortunately, the Finance Minister is not the person who can grant the money, it is this House which can.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state the procedure by adopting which members of this House can make a grant?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I will bring the matter to your notice in future.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state how much money he himself wants to spend?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Any amount you sanction.

Allowances to jurors in sessions cases in mufassal courts.

***137. Babu MADHUSUDAN SARKAR:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether the jurors in sessions cases in *mufassal* courts do not get any allowances, travelling or halting, for holidays intervening the sessions?

(*b*) If the answer to (*a*) is in the affirmative, is the Government considering the desirability of providing travelling allowance or halting allowance for jurors for the holidays intervening the sessions?

The Hon'ble Nawab MUSHARRUFF, HOSSAIN, Khan Bahadur: (*a*) Under the rules a juror is entitled to an allowance only for each day of actual attendance in court.

(*b*) This is being investigated.

Mr. CHARU CHANDRA ROY: Is it not a fact that more men are called as jurors than necessary?

Mr. SPEAKER: It must be so; the question cannot, therefore, arise.

Mr. CHARU CHANDRA ROY: My second question is whether persons who are not empanelled as jurors get travelling allowance?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I believe, they get.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that jurors who are not empanelled are not allowed any allowance for the day?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Yes, it is so.

Babu MADHUSUDAN SARKER: Will the Hon'ble Minister be pleased to state whether there are any rules or law prohibiting a juror to leave station during a holiday?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I am not aware of any such law, but I believe they cannot go away because their services may be required the next day. But if the holidays are a long one, they can also leave the station like you.

Mr. ABDUL WAHAB KHAN: Is it not a fact that on account of the reduction in halting allowance and non-payment of allowance for Sundays and holidays, there is great discontent among the jurors?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Yes.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

District Judges' Sheristadars.

35. Mr. UPENDRA NATH BARMAN: (*a*) With reference to the reply to starred question No. 33 in the Bengal Legislative Council of the 15th August, 1933, will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*i*) the present number of the District Judges' Sheristadars who are holding their posts as such in the same station where they were serving prior to their appointments as Sheristadars; and

(*ii*) the number amongst them who have been in the same station (though holding different posts) for more than five years?

(*b*) Will the Hon'ble Minister please state how many of the District Judges' Sheristadars are Muhammadans and how many of them are Scheduled Caste men at present?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*) Seven.

(*ii*) Four.

(*b*) Two are Muhammadans; none belongs to a Scheduled Caste.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether he is considering the desirability of transferring these officers?

Mr. SPEAKER: That is a matter of opinion.

Al-Haj Maulana Dr. SANAULLAH: What is the reason for retaining those sheristadars who have been for more than five years in a district?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: They must have been retained in the interests of public service.

GOVERNMENT BUSINESS

GOVERNMENT BILL.

The Bengal Expiring Laws Bill, 1938.

The Hon'ble Mr. NALINI RANJAN SARKER: I beg to introduce a Bill to provide for the continuance in force of certain Bengal Acts.

The Secretary then read the short title of the Bill.

The Hon'ble Mr. NALINI RANJAN SARKER: I beg to move that the Bengal Expiring Laws Bill, 1938, be taken into consideration.

It is in short to extend the terms of the provisions of the Bengal Electricity Duty Act, 1935, the Indian Stamps (Bengal Amendment) Act, 1935, the Indian Court-fees (Bengal Second Amendment) Act, 1935, and the Bengal Amusement Act, 1935. During the financial crisis almost all the provinces of India raised money by taxation, but Bengal at that time could not do anything, because there was a widespread discontent and resentment among the public due to the unfair Meston Award. The Government of Bengal then negotiated

with the Government of India and in 1933-34 the Government of India agreed to grant the Government of Bengal 60 per cent. of the jute export duty, provided the Government of Bengal did what was possible for them to do to help themselves. Then in 1935 the Government of Bengal introduced five taxation measures, of which four we want to continue by this Act. We have dropped Bengal Tobacco Sales Licensing Act, because a large number of members of this House expressed the opinion that this should not be continued, and also because during the time of their election campaign some members gave assurance that the Tobacco Licensing Act would not be continued. We now want to renew the four remaining Acts.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, may I rise on a point of order? We find unfortunately the Hon'ble Finance Minister has moved something which has jumbled up four different issues. Under the Rules and Standing orders, it is incumbent that a motion must relate to one issue or some definite issue, but unfortunately there are four different Acts mentioned in this one motion. I submit that unless these four Acts are separately taken up, it would be misleading the House in coming to a decision. Therefore, Sir, I pray that you either direct that these four issues are separately taken up, or the Hon'ble Finance Minister do modify his motion in such a manner that they may be separately discussed and voted upon.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, it is the same issue that I am going to raise by this one Bill, namely, the extension of the period of the provisions of the different Acts, and I have got precedent that in 1922 the Parliament passed such an Act as Expiring Laws Act of 1922.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. That precedent cannot hold good, because there all the financial proposals are put in a Finance Act. That precedent cannot hold good in this case.

Mr. SPEAKER: Dr. Sanyal, may I know what is specifically your point?

Dr. NALINAKSHA SANYAL: Sir, we had discussed as you know *in extenso* that a motion must relate——

Mr. SPEAKER: May I ask you a question? Supposing to-day Government wish to introduce a Bill by which they want to impose a tax on tobacco, electricity, stamp and court-fee and amusement in one Bill, can they do it?

Dr. NALINAKSHA SANYAL: No, Sir, I do not think it will be fair——

Mr. SPEAKER: That is another matter.

Dr. NALINAKSHA SANYAL: I submit, Sir, in the first place such a thing will not be within the competency unless His Excellency the Governor——

Mr. SPEAKER: That is quite another matter. Let us not confuse one with the other.

Dr. NALINAKSHA SANYAL: Of course, I am referring to both issues. In either case there is one difficulty. This House would like to give decision on each and every case and it is for you, Sir, to help the House in coming to a decision on each issue separately. If you are convinced that taking all these together — —

Mr. SPEAKER: I may tell you that the schedule is there and it will have to be put, and I think it is only fair that I should put each item of the schedule separately to avoid the difficult situation. Of course, there is precedent for it, because a schedule may contain so many items of different nature that the vote on one might be confused with the vote on the other. In order that the vote may be clear and specific, I propose to put the items separately so far as the schedule is concerned. I think that will meet the point.

AMENDMENTS.

Mr. SPEAKER: Babu Nagendra Nath Sen's motion is not in order.

Mr. NISHITHA NATH KUNDU: Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July 1938.

Sir, in moving this amendment I do not want to waste the time of the House by making a long speech. These measures in some cases are not for the benefit of the public; as for example, the Stamp Act and Court Fees Act. These Acts have got provisions for realizing *ad valorem* court-fees and stamp duties. In pre-war time these *ad valorem* court-fees and stamp duties were much lower than they are now. It was under very special circumstances that the people and the Legislature of this country sanctioned those Acts, but now that there is no such special circumstances prevailing, it is only proper that these Acts should be disconitnued, and specially in view of the economic distress that is prevailing in the country. It may be argued that in

that case Government will lose much revenue, but then, Sir, they have to look to the interest of the public as well. If you say that we shall only care for the so-called administration, I have nothing to say. But as we all profess that we have come here for the happiness and prosperity of the people, it is up to us to see that the people are not put to unnecessary inconvenience and trouble. If we take up people's cause as our first duty, it will be only right that this Act should be at once discontinued.

With these words, Sir, I commend my motion for acceptance of the House.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to move the motion that stands in my name that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June 1938.

Sir, one has almost got to stand aghast at the proposal of the Hon'ble the Finance Minister for making certain emergency taxation measures permanent laws of the Province. Sir, most of the members of this Legislature may not be aware of the circumstances in which these taxation measures were passed. I may remind the House that these measures were passed when Bengal was having an annual deficit of about two crores of rupees, when our revenue receipts touched the very lowest ebb and was hovering near about nine crores only, when our debts were being piled up to such an extent that the then Central Finance Minister considered that they were assuming unmanageable proportions. In those circumstances, to balance the budget, these measures were originally passed with the hope that they will realize 24½ lakhs per annum,—10 lakhs from Bengal Electricity Duty Bill, 5 lakhs from Bengal Tobacco Bill, 3½ lakhs from Court Fees Amendment Bill, 4 lakhs from the Indian Stamp Duty Bill and 2 lakhs from the Bengal Amusement Tax Amendment Bill. It was just to raise 24½ lakhs or about 25 lakhs of rupees that these taxation measures were imposed in Bengal. Bengal during the Montagu Chelmsford Reform had suffered the imposition of three taxation Acts which yielded more than a crore of rupees. I refer to the Taxation Acts of the year 1922.

These proposals were made by Sir John Woodhead on a temporary basis. That is evident from the fact that the life of these Acts was limited to a period of only three years. Now under the present circumstances our responsible Minister of Finance has come forward with a proposal to make these Acts permanent at a time when our revenue receipts are better by 4 crores or more, compared with 1935 when, as I reminded the House, our revenue receipts went down to 9 crores and odd. Our receipts now are about 13 crores. The Hon'ble Ministers will please remember that the total of our average in revenue receipts is 13 crores as has been provided in the budget before us. In these circumstances, Sir, when we are getting better receipts to the extent

of 4 crores of rupees, our Hon'ble the Finance Minister who prides himself over the fact that he is the first Finance Minister in Bengal under the new Constitution cannot hold the temptation to place these measures on a permanent basis, these measures which are expected to realise a revenue of some 30 lakhs and odd. Sir, leaving out for the present the consideration of those receipts under head "custom" and "income-tax" which were due to our revenue receipts even under the old provincial heads which are now looking up and compared with that of 1934-35 they have looked up to an extent which is almost equal to the proceeds of these taxation measures, under only three heads,—the head of "land revenue," "provincial excise" and "stamps" we expected 24 lakhs—exactly the amount that was anticipated when these Finance Acts were first introduced. We expected to gather 24 lakhs better in the coming financial year, I mean 1938-39. In 1934-35 our revenue receipts under head "land revenue" were 3 crores and 43 lakhs; in 1938-39 even in spite of the fact, at least even in spite of my supposition that the Hon'ble the Finance Minister has under-estimated this head of revenue, he expects 3 crores 50 lakhs, *i.e.*, several lakhs better than in the year 1934-35. Under head "provincial excise" he expects 13 lakhs better. Under head "stamps" he expects 4 lakhs better, all totalled, 24 lakhs better under these three provincial heads only and yet he comes forward with a proposal that as from these three taxes we expect to realise only about a sum of 24 or 25 lakhs of rupees, the expiring temporary Bills are to be placed on the Statute Book as permanent measures. Whether the Assembly will grant that demand or not it is for the members to consider. Then, Sir, I think I ought to refer to the few words with which he attempted to justify the Expiring Laws Bill in his budget speech. The words are as follows:—

"I personally regard this contingency"—and what is that contingency?—"that in the event of a bad depression our revenue may fall below its present level by 2 crores of rupees. I personally regard this contingency as sufficient justification for a closing balance of one crore and 27 lakhs and for trying to conserve it."

This is the only justification, Sir, that he has held out why these taxation measures should be put on the Statute Book on a permanent basis. Now, Sir, he has piled up by some miscalculation, he has piled up a balance of 2 crores and 80 lakhs of rupees. He has done so on his own showing. He cannot touch the one crore and 27 lakhs or even the 50 lakhs which he may require for the ultimate cost of the new schemes; still he will have a free balance of 1 crore and 2 or 3 lakhs of rupees. He has now a revenue of 13 and odd crores and he is going to have a free balance of 1 crore and 3 lakhs of rupees as a result of the working of this year, and in spite of that fact, he wants to have some 24 lakhs more by making these temporary

measures, *i.e.*, the Acts of 1935 permanent. I think, Sir, it is an absolutely unjustifiable demand and no member of this Assembly with any sense of responsibility and with any consideration for the poor can support the proposal of the Finance Minister. Now, Sir, I have one more word to add. Some of the members of this House may be easily lead to think from the reply, I do not know on what lines the Hon'ble the Finance Minister will reply, that this amount will go to the financing of new schemes. Sir, we know what is the result of such assurances and how these assurances come out untrue in the end. In 1922 speaking before this legislature, the Earl of Zetland, the then Lord Ronaldshay, Governor of Bengal, held out this hope: "with regard to the allocation of the proceeds of new taxation, they will be to the meeting of our deficits as a purely temporary expedient, pending further relief, on receipts of which, the new revenues raised would become available for those expenses on 'education,' 'industrial, agricultural and sanitary and medical progress', which I am sure the Council as well as the Hon'ble Ministers who are charged with them would so earnestly desire to see taken in hand."

All the members of this Assembly are aware, and even the new members on consulting the old budget will find that we get very little out of the proceeds of the three new taxes that were imposed in Bengal in the year 1932. With these Acts before us where is the guarantee that the proceeds of these taxes will ever be devoted to nation-building departments and not to the reorganisation of the department or to expand other services. In these circumstances, I hope that we should place no faith or reliance on any of the hopes that may be held out by the Hon'ble the Finance Minister. In these circumstances, Sir, I submit that we should place no faith or reliance on any of the promises that may be made by the Hon'ble the Finance Minister, without first of all making sure that the nation-building departments will be given so much out of the proceeds of the taxation Acts that were imposed on Bengal in 1922. Unless and until Government can satisfy this House on that point, I think that no such taxation proposals should be entertained at all.

Maulvi ABU HOSSAIN SARKAR: Mr. Speaker, Sir, I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st May 1938.

In moving this amendment, Sir, I must congratulate Government that they have at last decided not to renew the obnoxious Tobacco tax. Last session I moved a cut motion to bring home to Government that that tax was really oppressive to the agriculturists. My cut motion was thrown out at the time, but fortunately after that Government thought it desirable not to continue it any longer. Therefore, I must

say that good sense has dawned upon Government, though at a very late hour.

Now, Sir, Government propose to renew four other emergency taxes, imposed by the Bengal Electricity Duty Act, 1935, the Court-fees (Bengal Second Amendment) Act, 1935, the Indian Stamp (Bengal Amendment) Act, 1935, and the Bengal Amusements Tax (Amendment) Act, 1935. Some may say, Sir, that the Electricity Duty is a tax that is levied from the rich people, and, therefore, it may continue. But I submit, Sir, that though, apparently, it seems to be a tax which is collected from big companies, on analysis it will be found that these big profit-earning companies pay very little from their own pockets. Government take this tax from these companies, which, in turn, realise it from the actual consumers. Another aspect of the thing is that a renewal of this duty on electricity will not allow of a lowering of the price per unit of electricity in Bengal. If the tax is taken away, the cost per unit may be reduced, and thereby the poor people of our country (MR. ABDUL WAHAB KHAN: Of Calcutta and not of Gaibandha!) yes, Calcutta and some Mofussil towns too will be benefited.

Mr. SPEAKER: I hope there will be no further interruptions.

Maulvi ABU HOSSAIN SARKAR: If the people get electricity at a lower cost, they will be able to use it in lieu of fuel, and the smoke nuisance, which is one of the causes of tuberculosis, may be done away with.

Of the other two taxes, viz., courtfees and Indian Stamps, all that I can say is that they directly affect the poor people of our country. Court-fees are paid at the time of institution of suits by Mahajans, landlords and other monied people, but actually, at the time of execution of decrees these amounts are realised from the judgment-debtors, who are generally poor men.

As regards the Bengal Amusement Tax, had Government exempted tickets of the lowest prices, I could not have objected to its being renewed. After all, the poor people—the agriculturists, the labourers and the workers—also require some sort of amusement after six hard days' work, but, unfortunately, Government did not think it desirable to exempt tickets of lower rates. By taxing amusement as a whole, I submit, Sir, they are doing a great injustice to the workers and agriculturists of this country.

I submit that for the reasons which I have referred to I cannot but press for the circulation of this Bill for eliciting opinion.

Mr. BIRENDRA NATH MAZUMDAR: Mr. Speaker, Sir, I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March 1938.

Sir, I will move this amendment with very few words. I shall only repeat at the very outset the circumstances under which these Acts were passed. Government were then labouring under a heavy deficit—not only that, there were also huge amounts of debt incurred by Government. Under those circumstances they felt constrained to impose certain taxes, but yet at that time a definite understanding was given that these Acts would be only temporary measures, and that they would expire in 1938, by which time the New Constitution was expected to be in operation. At that time a great injustice had been done to Bengal by depriving her of her just share of the jute duty and of the income-tax. Now that the time has come for Government to fulfil their promises, they have come forward with a Bill for continuing these taxes not only for three years but for all time to come, as far as we can see from the Bill itself. Now this is how every time, whenever any new tax is imposed by Government, the assurances given by Government are redeemed! The same assurances were given when the Stamp Act and the Court-fees Act were passed in 1922, and those assurances were respected in a similar fashion. We find however, that the present position is very different from the position prevailing in 1935. The Hon'ble Finance Minister presented a surplus budget during the last session; at that time he began with an opening balance of barely 98 lakhs of rupees, and this opening balance of 98 lakhs of rupees has grown into 1 crore and 91 lakhs of rupees, according to the statement of the Hon'ble Finance Minister, as the closing balance of the year.

Not only that, but the balance with which he begins this year is really much more than that, as will appear from page 7 of his statement, which would make the real opening balance of this year, to be Rs. 2,95½ lakhs, because therein he did not take into account Rs. 70 lakhs' worth of Treasury Bills, Rs. 33½ lakhs of security and 1 lakh of security of the Steam Boiler Fund which the Government use in emergency. Now, therefore, what he had done possibly a justification for this Bill; while he could present a surplus budget during the last session with an opening balance of nearly 98 lakhs of rupees, this year he has managed to present before us a budget with a deficit balance of Rs. 12 lakhs with Rs. 2 crores as opening balance; I submit, therefore, that the very fact shows that the deficit of Rs. 12 lakhs is a faked deficit without any substance in it. So can the Hon'ble Finance Minister now ask that this House should agree to the continuance of these taxes when the Government have got in their hands an opening balance of nearly Rs. 2 crores? It has been said that these taxes will affect the rich people more than the poor. I do not understand the justification for this. In his budget speech the Hon'ble

Finance Minister has spoken about the necessity of doing good to "the man behind the plough", but has he now come forward with a Bill to repeat the Stamp Act and the Court-fees Act of 1922, which affect vitally "the man behind the plough"? Each of these Acts will affect the poor people directly or indirectly. Still, whether it affects the poor or it affects the rich, I would submit that there cannot be any question of taxation unless there is a real and dire necessity for the same. The Hon'ble Finance Minister has said in his budget speech that some schemes—some gigantic schemes—will be undertaken some day. We do not know as yet what these schemes are and what those schemes will cost. Well, when these schemes are mature, it will be possible to approach this House and if the House think that it is right to impose upon the people taxes that may be necessary, that will be willingly done.

On the other hand, we find that the Primary Education cess is being imposed but no remission is given to the people under any head so far as taxation is concerned. We all expected that there would soon be a reduction of the heavy burden of taxation, but instead of that, we are now faced with the question of continuing these taxes, and we are not told for what purpose these taxes are to be continued. In 1935 the purpose for which the taxes were to be continued was mentioned; but this year if any honourable member would turn to the Statement of Objects and Reasons, he will find at once that not a single word is there to justify why the taxes should be continued. The only thing that has been given there is that the revenue to be derived out of these taxes is Rs. 31½ lakhs—that is the only thing that has been stated. Possibly, it may be said that unless we agree to this Bill then Government would lose so much of the income. But what the difficulty of the Government would be if they are to lose this amount has not been stated clearly in the Statement of Objects and Reasons, because perhaps there is absolutely none. The Finance Minister has not stated also in his budget speech as to why he wants this money. Under these circumstances, I do think that it is the fittest occasion for the public to say whether they want these taxation measures or they do not. With these few words I commend my motion to the acceptance of this House.

Mr. D. P. KHAITAN: May I know when the debate will be opened?

Mr. SPEAKER: Up to motion No. 8 the movers will move and after that discussion will begin.

Mr. SANTOSH KUMAR BASU: Sir, it has caused me considerable pain and surprise to find that the first responsible Finance Minister of Bengal has thought fit to perpetuate the taxation measures which

the Finance Member of the past bureaucratic Government considered it desirable to make only temporary. Sir, it appears that when the province of Bengal was groaning under the iniquitous burden of the Meston Settlement and was gradually drifting to the brink of a financial crisis, it was at that time that the then Government of Bengal considered it necessary to bring on the Statute Book a number of Acts providing for a certain amount of taxation which in the very nature of things was made temporary. There was considerable justification at that stage, for the purpose of making both ends of Government meet in their day to day administration, that this available amount from taxation should be at the disposal of the Government in order that the administration of the country might be run on reasonably smooth lines. To-day the position is entirely different. The Hon'ble Finance Minister in his budget speech has drawn a fairly rosy picture of this province after the removal of that financial strain under which we had been striving for several years past. As an old member of the Bengal Legislative Council it was my privilege, to sit on the Public Accounts Committee appointed by the Bengal Legislative Council and to come into direct touch with those frantic and plaintive appeals sent up by the Accountant-General of Bengal from time to time pointing out how the finances of Bengal were on the point of bankruptcy. What to-day is the position? The Hon'ble the Finance Minister says that "the cloud that darkened our horizon—the budgetary deficit—caused by the economic crisis and the Meston Settlement, has happily lifted." Eloquent words these! They might bring satisfaction to the hearts of those who are expecting better times so far as relief from taxation is concerned. But unfortunately in the wake of these eloquent words comes from the Finance Minister this demand to make that, which was temporary for a few years, a permanent burden upon the tax-payers of Bengal. That is the cry which is sent up by the Hon'ble Finance Minister. The Hon'ble Minister has stated that 2 crores and 80 lakhs would be his closing balance. But by a most conservative, a most cautious, I was going to say an unreasonably cautious, calculation he has managed to arrive at the conclusion that Rs. 1,20,00,000 would be the balance which would be at his disposal only if this 20 lakhs were made available to him by means of this taxation which must be translated from the emergency stage and placed on a permanent basis. He has managed somehow to convince himself that without this 20 lakhs available from these Bills if made into law he would be left only with a balance of 1 crore and that it would be extremely unwise on his part to depend only on that balance for the purpose of meeting the financial responsibilities which might be anticipated by him in carrying on the administration of this province. He has said that new schemes will have to be financed and that it is necessary that a good balance must be at his disposal. I am asking the Finance

Minister in all humility if with such man power as is at the disposal of the Government, he can reasonably, hopefully and confidently look forward to the future, when he can spend in the course of a year all the allotments that have been made under the different heads of the Budget. I will remind him that he has admitted in his speech that the Central Petrol Fund which has been made over to this Province has remained unspent to the extent of Rs. 43½ lakhs. He expects that by the appointment of additional men he will speed up the work to such an extent that all the surplus, the balance at his disposal will be spent, so that he will be able to demand from the Government of India the full quota of their contribution to this Province, thereby bring more money to his coffers.

Under these circumstances is it not fair and reasonable to expect that with so many uncertain factors hanging in the air, he will at least put off for some little time this demand for making emergency taxation permanent so as to wait and see the result of the present activities of the new Government? If at the end of a year or two he really can point out that all the available money has been spent for the good of the country there is nothing to prevent the Government from coming up with the request and say: "Here we are: we have started with a clean slate wiping out all our debts to the Government of India. We have speeded up our work; we have done what everyone expected us to do. Now there is need for more money; give us more money and the necessary strength to our elbow." That would be a position which would be perfectly understandable. On the other hand, may I remind the Hon'ble Finance Minister that last year when his predecessor expected that the opening balance would be 98 lakhs, it actually amounted to 175 lakhs? Therefore the closing balance which he now expects has got a peculiar knack of developing to such an extent that at the end of the year he will have really a much higher figure than even his wildest imagination can possibly anticipate now——

The Hon'ble Mr. NALINI RANJAN SARKER: It is your wild imagination. You do not understand these figures.

Mr. SANTOSH KUMAR BASU: I am reminding my friend of his unregenerate days when he did not occupy the ministerial *Gadi*. Imagination runs riot with him to-day.

The Hon'ble Mr. NALINI RANJAN SARKER: You must make correct statements.

Mr. SANTOSH KUMAR BASU: Yes; I must make correct statements and I am depending upon the speech which has been very kindly vouchsafed by my friend to the members of this House.

The Hon'ble Mr. NALINI RANJAN SARKER: You will have to read it twice or thrice a day.

Mr. SANTOSH KUMAR BASU: Yes, and read it with fair correct pronunciation. And in the meantime I am not going to brook any interruptions. My friend as the Finance Minister gets enough time in the House to make a pronouncement on behalf of Government. The time at my disposal is limited, and I will do what little use I can of that time for the purpose of pointing out the salient features of his budget in relation to this matter. I know if I have to expose the jugglery of figures in which the Hon'ble Finance Minister has indulged for the purpose of giving to his countrymen his conclusions, his brilliant conclusions, for the purpose of supporting his demand for taxation, for the purpose of justifying emergency taxation being continued as permanent, it will require an amount of time which I do not command. If I could scrutinise, analyse and examine the budget, I could have shown that whenever it was a question of considering the estimates of receipts the Hon'ble Finance Minister was extremely cautious and extremely conservative. When it is a question of expenditure, his imagination paints before itself a rosy picture of Bengal which will be converted into a new heaven and a new earth in the course of a single year by reason of the expenditure which he proposes to undertake and to give effect to. My friend, the Hon'ble Finance Minister, has got to consider various factors in coming to the conclusion that he can really spend the amount which he is trying to gather. But there are so many factors,—the human factor and the physical factor. Can he then say what was his guarantee that where his predecessors have failed he will be able to achieve by effective spending in the course of this year? His predecessors had at least the honesty not to want permanent taxation when they thought that emergency taxation would serve their purpose. But the new Government come forward and say "Well, we want all these emergency taxation measures to be placed on a permanent basis without making out any case whatsoever." This is the difference we notice.

Now, Sir, so far as the taxation of electricity is concerned, there is an impression amongst my mofussil friends that it is only the rich people in Calcutta who are hit by it. Far from it. So far as Calcutta is concerned anyone who pays Re. 1-14 a month on his electricity bill will come under this heavy taxation. Any shopkeeper, any business man, middle class people, the poorer middle class and even the very poor people of Calcutta have got to bear the burden of that tax. Calcutta is a dark city; it is a city of dark, ill-lit, ill-ventilated dingy houses, overwhelmingly so in the Indian quarters of the town. Those who live in mansions do not know how much the people depend on lights even during the broad light of day. Under those circumstances the burden falls very heavily upon the poor people, the very poor people who have got

to pay Re. 1-14 per month for their electricity bill. Therefore those who are under the impression that the poorer people are exempted from electricity duty in Calcutta are labouring under a great misapprehension. My mofussil friends cannot absolve themselves from the responsibility of looking after the interests of Calcutta. They are in an overwhelming majority in this House and the interests of Calcutta, of the poor consumers of Calcutta, God has placed in their hands. They are now the arbiters of the City's destinies and they cannot shake off that sacred task. I appeal to them not to listen to the cry of Government that it is Calcutta which is hit and not they. I appeal to them to take a broad comprehensive view of their responsibilities as members of this House and not to let down the residents of Calcutta because it does not concern them personally.

On the other hand, so far as electrical undertakings in the mufassil are concerned, let my friends consider for a moment what hardship it will mean to the people in the mufassil who cannot get electricity for less than -/7/- or -/8/- per unit if this duty is piled over that. Governrnment are embarking on a policy of expanding electrical undertakings all over the country. If those which have already been launched in the mufassil districts have got to start with such a handicap, and people who cannot go without electricity, because it is one of the essential necessities of life to-day, are burdened with this additional taxation, what happens to the brilliant picture which was drawn by the Government the other day that they were going to electrify the entire countryside? I ask in all humility and in all seriousness the members of the various groups of this House not to give way in a light-hearted manner to the approaches of Government for perpetuating these taxes which admittedly were of a temporary character.

I appeal to this House to realise that it is not merely the rich man who is touched, but it is the poor upon whom the burden falls so heavily in Calcutta, Calcutta the city of smoke, of dust, and darkness, in the poorer Indian quarters. Tuberculosis and other fell diseases have made their homes in Calcutta. If you want to eliminate these evils, give Calcutta the benefit of cheap electricity. It is not a luxury but a necessity, a question of life and death. I would, therefore, ask the House to consider whether without these 18 or 20 lakhs, Bangal's finances will come to a crash or ruin. Before we allow the Hon'ble Minister to make this temporary taxation permanent, much more reasonable, much more cogent and effective arguments have got to be brought forward and placed before this House than those vouchsafed to us yet. Public opinion may be consulted—I am not afraid of consulting mufassil public opinion in this matter. Let the electorates speak up and speak out, and let us wait and see what happens. In the meantime Government also will find out if its financial armoury is sufficiently replete for all practical

purposes. Let them wait for one year or two. Let the Ministry show show good work and good utilisation of the money which has already good work and good utilisation of the money which has already forward then. In the meantime, let the Province express its opinion on this measure. After that has been done, we shall be in a better position, on firmer and surer ground, to come to a conclusion as to whether these temporary taxes should be made a fixed and permanent burden upon the tax-payers of Bengal.

Mr. DEBI PROSAD KHAITAN: Mr. Speaker, Sir. I have no desire to repeat the arguments that have already been put forward before this House by the preceding speakers. I shall content myself with drawing the attention of Government to the uniform rates of duty of stamp duty, that prevail in different provinces in regard to documents of the same nature. In view of the different rates of duty that prevail in the different provinces persons who have got to use documents from one province to another are put to the greatest difficulty and inconvenience by having to take documents to the Stamp Superintendents of those provinces and have them re-stamped, a procedure that entails the greatest amount of inconvenience and delay and sometimes acts as a great obstacle to the performance of work. Sir, in making my point clear, I will draw the attention of the Finance Minister to the proviso to section 3 of the Indian Stamp Act, as follows:—

"Provided that, except as otherwise expressly provided in this Act, and notwithstanding anything contained in clauses (*a*), (*b*), or (*c*) of this section or in Schedule (1), the amount indicated in schedule 1A to this Act shall, subject to the exemptions contained in that schedule" it goes on like this; then it says: "every instrument, mentioned in schedule IA as chargeable with duty under that schedule, which, not having been previously executed by any person, is executed out of Bengal on or after the 1st of April 1922, and relates to any property situated or to any matter or thing done or to be done, in Bengal and is received in Bengal."

Similarly, Sir, there are provisions about other provinces such as Madras, the Punjab, etc., etc. The result of this provision is that every document that is executed in one province and relates to any property situated, or to any matter or thing done or to be done, in another province and is received in that other province, then the amount of stamp duty that is paid on that document in one province is not applicable to the other province, and the result of this, as I have said, is that the document has got to be produced before the stamp authority of that province it has to be re-stamped and it is only then that it can be used.

There are still greater difficulties as regards registered documents. Once a document is registered it is not possible for the stamp authority in another province to disturb the document in any manner whatsoever. Sir, I shall place before this House some illustrations at random which will explain to what amount of difficulty the people are put to. The first example that I can take is the power of attorney which travels from province to province, in order that the person on whom that power is conferred may perform the thing for which he is empowered. When 9 or 10 persons act jointly and severally the Stamp Duty prescribed for a general power of attorney under the Stamp Act is Rs. 10. In Madras it is Rs. 15, in Bengal, Bombay and Burma and the Punjab it is Rs. 20, whereas in other provinces, namely, Bihar, and United Provinces it is only Rs. 10. So that you can understand to what difficulty people are put to by the variations in the Stamp Duty. There is another example, Sir, which looks very ridiculous, if I may use that word, and it is about the Memorandum of Association and the Articles of Association of a Company. If a Company is registered in Bengal, and has got to carry on business in other provinces, there is great difficulty to which they are put to. The Stamp Duty on the Articles of Association of a Company in Bengal is Rs. 25, whereas in Madras and United Provinces it is Rs. 50; in Bombay and Burma it is also Rs. 50. Then, in the case of the Memorandum of Association of a Company, it is Rs. 40 in Bombay, Burma, Madras and United Provinces, and Rs. 80 in Bengal, and so on. Another illustration that I may give is of a very ordinary document, namely, of an affidavit, which is made in one province for the purpose of appeal to be used in another province. The general stamp duty is Re. 1 for an affidavit but it is Rs. 2 in Bengal, Bombay, Burma, Madras and the Punjab. In this way, I could go on enlarging the illustrations that I have given. But I hope, Sir, that from the example that I have already given it will be clear to anybody who has applied any thought to the question that the greatest inconvenience is felt by persons who have got to use documents signed in one province in another province. There is one more illustration that I shall give, namely, that provided in section 6 of the Stamp Act, where it says: "Subject to the provisions of the last preceding section, an instrument so framed as to come within two or more of the descriptions in schedule (1)." In the proviso that I want to refer to it is provided that "nothing in this Act contained shall render chargeable with duty exceeding one rupee a counterpart or duplicate of any instrument chargeable with duty and in respect of which the proper duty has been paid" but in Bengal it is Rs. 2. I hope, Sir, the illustrations that I have given will serve to convince everybody of the necessity of this Government entering upon negotiations with the Governments of other provinces in order that uniform rate of stamp duty on the same nature of documents may prevail in the different provinces. If the Government

want revenue, surely the thing can be arranged in such a manner that the Government will not lose revenue, and at the same time the rates of stamp duty can be made uniform in the different provinces. Sir, I urge this for the immediate consideration of Government, because it has been for several years that the mercantile community specially has felt very seriously inconvenienced on account of the different rates of duty prevailing in the different provinces.

Mr. H. R. NORTON: Mr. Speaker, Sir, I am afraid I have not the eloquence of my friends opposite who have opposed the renewal of the Bill. But I will do my best to impress my opinion upon this House as to why the Bengal Electricity Duty Bill should not be renewed but sent out for circulation to elicit public opinion. I opposed this Bill on the floor of this House in April 1935 on the ground of unfair taxation. On that day, I stood alone. The European party were not with me and to-day I again stand alone to recommend the abolition by this House of one of the most unfair taxes that have ever been enacted in Bengal.

In my speech in April 1935, I pointed out that the Government distinctly stated that this was an emergency taxation, for a period of three years and I stated then that once imposed, it would not be taken off. Am I not right? For, here we are at the end of the three years and Government are now calmly asking the House to renew this most obnoxious and unfair tax. I ask the House, why should not all users of electricity pay the tax? Why should a few selected consumers be forced to pay 18 lakhs of rupees?

In April 1935 it was recorded that 220,000,000 units of current were used. Yet, only 34,000,000 were affected by the tax. Why? I will tell you why. To tax the users of energy, they say, would increase the overheads, and the cost of production would be more. How much more does the House think production would cost? When you realize that the cost of the electricity to those concerns who use at least 190,000,000 is less than two pice per unit tax free, the other 34,000,000 pay annas 2 per unit nett plus a tax of six pies per unit, or equal to 25 per cent., and on the fact of these figures Government ask us to renew this burden on the selected few when there is absolutely no need for it, though we realise that cheap electricity will help industrialisation of the country and solve unemployment.

This tax was imposed three years ago for a specific purpose, we were told, so that we could claim our share on the jute tax. This share we are now receiving, and this year we have received Rs. 33½ lakhs more than was expected and Rs. 27½ lakhs from income-tax, which was not expected. A windfall of Rs. 61 lakhs, and yet Government say they must have the electricity tax renewed. Why?

The Finance Minister has made a very conservative budget this year, and it is acclaimed a deficit budget, but we hope it will not be,

there is only a deficit of Rs. 11 lakhs and that is without allowing for the electricity tax, Bengal tobacco sales license tax and amusement tax on the lower price seats, but allowing Rs. 15 lakhs for the building of a house for the Council, surely an extravagance of this nature cannot be permitted when taxes like this are being imposed. The Finance Minister was evidently in doubt about this tax being renewed, and framed his budget accordingly, knowing full well the opposition that would be raised in the House against these emergency taxes being renewed.

I do not know how many of the European Party are prepared to support me, but if they are content to pay a 25 per cent. tax on electricity used in their offices, I can only assume that they think it is better to pay this 25 per cent., than pay on the millions of units used in jute mills and other industries they control. I oppose the continuance of this tax on behalf of the European and Indian trading community of Calcutta and Bengal; a community that is already overburdened with taxes and also have contingencies to meet with, such as, smuggling by passengers, and goods being sent into Calcutta from ports where duty does not exist.

Electricity is as much a necessity for us in order to run our business as it is to the industrialists. Window displays, cinemas and shops must be illuminated to attract. Fans must be kept running all day to keep the shop cool for customers shopping, and yet Government will not see that the use of electricity is so important to us. Could a hotel be run if there were no lights and fans? Yet they are asked to pay 25 per cent. tax so they can let their rooms and above all, we are charged the same rate as the ordinary private house.

I also opposed the Bill in the first instance and still do so on the grounds of hardship to the poorer population of Calcutta. I asked that 20 units be allowed free of tax, but this was turned down. There are thousands in Calcutta among the Anglo-Indians and Indians that use electricity for relief during the hot weather, but cannot possibly afford to pay this tax, and yet, Government are determined to renew it, and Calcutta will have to pay Rs. 15 lakhs out of the Rs. 18 lakhs collected.

Can Government on the face of these figures say that it is a fair tax? It is not. It is a special tax on Calcutta. It is very well for members of this House to support the Government on an unfair tax like this, as it will cause no hardship to many of them or their constituents. They should carefully consider the other members in the House before giving their support to a measure that was only introduced for three years for a specific purpose that has been obtained, and for which renewal there is no necessity.

I have been told that I am making a big mistake in opposing this renewal of the tax. I am not opposing the tax as an individual but

by mandate from my constituency who feel that they should not be among those who have been selected to pay this tax on electricity which is so essential to their business, while hundreds of other users are allowed to get off scotfree.

I, therefore, recommend to the House the abolition of the Electricity Tax Bill.

Maulvi ABDUL BARI: Mr. Speaker, Sir, I can well understand the attitude taken by Rai Harendra Nath Chaudhuri, by my esteemed friend Mr. Santosh Kumar Basu and by Mr. Khaitan. But I fail to understand the attitude of my friends Mr. Abu Hossain Sarkar and Mr. Nishitha Nath Kundu, because I can well see the reason of Mr. Rai Chaudhuri opposing the provisions of this Bill as it affects him and the class to which he belongs, I mean the zemindars——

Dr. NALINAKSHA SANYAL: Is the honourable member entitled to attribute a motive in this manner?

Mr. SPEAKER: Mr. Bari, are you imputing any motive?

Maulvi ABDUL BARI: No, Sir. What I mean to say is that this Bill provides for the payment of taxes by those who are capitalists, those who are exploiters, those who belong to the mercantile classes and those who are industrialists. Therefore I say, I can well understand Mr. Rai Chaudhuri; I can well understand my friend Mr. Santosh Kumar Basu, when he was pleading for the people of Calcutta. I think he was very reasonable because he represents a constituency which is affected by it. And I can also understand Mr. Khaitan, because he belongs to the mercantile community. And the industrial class is most affected particularly by the Stamp Act. Now, Sir, I can tell this House all at once and I can tell my hon'ble friend Mr. Abu Hossain Sarkar and my friend Mr. Nishitha Nath Kundu that in the year 1935 when these Emergency Acts were promulgated for a period of three years, who were the people who opposed them? The people who opposed them at that time were the mercantile classes and the zamindars. The Proja Party as a whole did not oppose them, but supported the provisions of the Bill. (Voice: There was no Proja Party then.) Yes, there was a Proja Party of which Mr. Momin was the leader. I will be borne out by those who were members of the old Legislative Council, and I may also refer my friends to the proceedings of the Bengal Legislative Council of those days. Now, Sir, it is the general desire of those who represent the masses, and particularly of those who represent the poorer classes in the country that we should have free primary education, and for that money is wanted. It has also been suggested time and anon that so far as the taxation on the Primary Education

Bill is concerned, that should go, but taxation should be levied on those who can pay, and the provisions of this Bill exactly relate to that. When my friend Mr. Abu Hossain Sarkar was referring to the Court-fees Act, I was a little surprised whether he was speaking with reference to the Act itself or not. Sir, I have got the amendment of 1935 in my hand, and I can point out to my friend at once that my friend either misapprehended or was misled or did not read the Act, for it does not affect the poorer classes at all. This Act of 1935 refers only to the provisions regarding the payment of court-fees with regard to Letters of Administration and with regard to the Probate of a Will and with regard to the Indian Succession Certificate Act to the extent when it goes beyond 2 lakhs and 50 thousand rupees. That being so, does it lie in the mouth of any man who supports the cause of the tenants that this Bill of 1935 really affects the poorer classes who go to the courts for litigation purposes? It does not. Of course if you want to oppose this Bill for the purpose of opposing only, well, you can do it. But, Sir, if you really think that this Bill is working very hard upon those who go to the court for litigation purposes, I think you have got no grounds at all.

Then, Sir, coming to the Indian Stamp Act itself, what are the provisions of the Indian Stamp Act of 1935? Of course there are two provisions in it, I must frankly admit, which to some extent affect the middle classes, but not the actual tillers of the soil. These provisions are regarding sales certificates for which stamp fee has to be paid, and the security bond above Rs. 200 for which court-fee has to be paid. Of course the number of those who are affected by this is not very large. (Question.) But what are the other provisions that we have got under this Act of 1935. We have got to pay taxes on the memorandum of agreement relating to the sale of a bill of exchange, on the deed of apprenticeship, on articles of association and the bill of lading, letter of licenses and power of attorney and partition suits and things like that. So, you find also with reference to this Act of 1935—the Stamp Act—it does not affect the poorer classes.

Then, Sir, coming to the Electricity Act. So far as the Electricity Act is concerned, certainly it does affect some people living in Calcutta, but not the poorer classes actually.

Mr. SURENDRA NATH BISWAS: What about mortgages?

Maulvi ABDUL BARI: Yes, mortgages above Rs. 1,000, and I do not think my friend thinks that the poorer classes enter into mortgage bonds above Rs. 1,000. Of course, that will affect mahajans, and we are going to lead a crusade against the mahajans. It is for this reason, as my friends will see, that the Money-lenders' Bill is coming, and it is

for this reason they will see that the provisions of usufructuary mortgages were introduced in the Bengal Tenancy Act. We have got no sympathy for mahajans, you may have.

Dr. NALINAKSHA SANYAL: What about *talak?*

Maulvi ABDUL BARI: *Talak* does not come in within the scope of this. Moreover, if you speak of *talak*, namely divorce, the Islamic law does not look with grace upon the act of divorce. Only out of bare and hard necessity a man is permitted to divorce his wife. But, Sir, it is said that even the throne of God himself shakes when a man divorces his own wife. So, Sir, it is not a good grace, it is not an act of piety on the part of a Muhammadan to divorce his wife. I say all this, because you want to hear it.

But, Sir, I was speaking about the Electricity Act. Only those people who consume electricity to the extent of 30 watts have got to pay this tax, but how many people of the poorer classes are there who consume more than 30 watts. Certainly as my esteemed friend Mr. Basu referred only the people who live in palaces might have a grievance. But we are not here to plead the cause of those who really live in palaces and who can manage very well to spend thousands over the payment of taxes and things like that.

Mr. SURENDRA NATH BISWAS: What about *panwalas* and *biriwalas?*

Maulvi ABDUL BARI: I do not think they come under this, although there may be some who are so well off that they can spend for more than 30 watts. Certainly they will have to pay. So far as the other poorer classes are concerned, they do not come within the provisions of this Act.

Coming next to the question of the amusement tax, I do not think anyone with any good grace or with his hand on his heart or with a bit of conscience would say that the amusement tax is not a necessity. Has it not been pleaded thousand times over again by my friend Mr. Abu Hossain Sarkar himself that let there be taxes on amusements so that the Government may have money, so that money may come to the coffers of the Government and that money may be appropriated for the spread of primary education. Therefore, Sir, to-day to say that the amusement tax should go is a statement which ought not to have come from the mouth of my friend Mr. Abu Hossain Sarkar. Therefore, Sir, as I have stated the provisions of this Bill do not affect the poorer classes whose cause we have come to support here in this Assembly. At the same time as I have stated, Sir, it was pointed out by some of the speakers that these Emergency Acts were passed

at a time when the Government was running with a deficit budget. True, but I am not prepared to accept that the Government is to-day running with a surplus budget.

Rai HARENDRA NATH CHAUDHURI: It is a surplus budget.

Maulvi ABDUL BARI: It is not so.

Rai HARENDRA NATH CHAUDHURI: Read it.

Maulvi ABDUL BARI: I have read it. Still I will not call it a surplus budget.

Rai HARENDRA NATH CHAUDHURI: You are too unintelligent to understand.

Maulvi ABDUL BARI: I may be less intelligent than yourself. Let there be all intelligence with you.

Now, Sir, money is wanted, and we know that in this year's budget money has been provided for the Industrial Department, for the Agricultural Department, for the Education Department, and we are crying that the money that has been provided for nation-building departments is not enough. We want more and more, and where that money is to come from. Is that money to fall from the Heavens, or is that money to be had from Jaksha's treasure, or is that money to be got from the treasures of Bengal hidden under the soil, or is that money to come from the sea-borne vessels coming from the coast of England? Or are we to find money from our own country, of course from those who have got capacity to pay, namely, from the people who live on the unearned income of the country, people who are exploiting the masses and who are robbing the poorer classes right and left, namely, the people who have hoarded and amassed enormous wealth. It is those people we have got to tax. The principle of Islamic law is this that whenever a man has got Rs. 100 in his pocket, he has got to give away a sum of Rs. 10 as Zakat. Here, of course, you will find that this is not an administration run by a Muhammadan Emperor, otherwise they would have to pay Zakat also. This administration is run by the British Emperor and, therefore, we have to abide by the laws of the British Empire. Therefore, laws have got to be promulgated and money has got to be found for the benefit of the poorer classes and this money has got to be found by taxing those who take probates of will and take succession certificates of properties worth over 2 lakhs and 50 thousand rupees, namely, the bigger zamindars and the bigger capitalists, by taxing those who go to the cinemas daily and those who go to the race-course for enjoyment, and money has got to be paid by those who are really transacting business day in and day out in the markets of Calcutta

and amassing money. These Acts do not show anywhere that a single pie has got to be realised as from any tenant of Bengal, particularly anyone living outside the borders of Calcutta proper. Therefore, Sir, on these grounds there is no force whatsoever in the arguments of my friends, barring of course Mr. Santosh Kumar Basu who represents his own constituency, in opposing the provisions of the Bill. With all these observations I think the House ought to support the provisions of the Bill if we are to do any good to the masses in general.

Mr. A. M. A. ZAMAN: আমি বাংলায় বোলছি। আজকে প্রথমে কিছু বোলতে গিয়েই যে তিন বৎসর আগে যে ৫টা বেশী tax দেশের উপর চাপান ছিল, অবশ্য আজ তার একটা কোমে চারটে মজবুত হোতে চোলেছে, তখন এগুলো অস্থায়ী ছিল, বর্ত্তমানে হোতে যাচ্ছে স্থায়ী। মিষ্টার বারি সাহেব বোলেছেন যে, এইযে বিলটা এটা শুধু বড়লোকদের উপর চাপছে। গরীবদের এতে কিছু হবে না। আবদুল বারি সাহেবের যদি গরীবদের সঙ্গে মেলামেশা থাকতো তাহলে বুঝতে পারতেন আজকের এই বিলে গরীবেরা কত বড় চাপে পড়ছে। Electric Bill সম্বন্ধে বোলতে গেলে আমি যে বাড়ীর উপরে থাকি আমার নিজের হয়তো ৫৲ টাকা ৭৲ টাকার বেশী মাসে উঠে না, কিন্তু যে নীচের তলায় থাকে ও দোকান করে তার ১০৲।১২৲ টাকা উঠে, কারণ তার রাত্রি একটা দেড়টা পর্য্যন্ত light জেলে রাখতে হয়, বিশেষ কোরে গরীব হোটেলওয়ালা যারা আছে, পাণ-বিড়ীর দোকান যাদের আছে তাদের রাত্রি তিনটে ৩৷৷০ টের আগে আলো নেবানো সম্ভব হয় না। কাজেই তারা, এই ভাবে যদি এটা বেড়ে যায় তাহোলে আপনারা বুঝতেই পারছেন এই bill এর মধ্যে এসে পড়ে কি না। কাজেই না জেনে শুনে গরীবের উপর চাপ পড়বে না, একথা বলা আমার মনে হয় মিষ্টার বারির মত লোকের পক্ষে অন্যায় হয়েছে। আর একটা জিনিষ, আজকে এই যে bill চারখানা উপস্থাপিত হোয়েছে, তিন বৎসর আগে গভর্ণমেণ্ট যে অবস্থা ছিল, ১৯৩৫ সালে গভর্ণমেণ্ট প্রথমে যখন এই bill আনেন, সে অবস্থা বর্ত্তমানে নাই। আমি challenge করছি ১৯৩৫ সনে গভর্ণমেণ্টের যে খরচ ছিল তার চেয়ে অনেক বেশী office রেখে বর্ত্তমানে গভর্ণমেণ্টের খরচ বাঁড়ান হোচ্ছে। কাজেই যদি মাসে ৩শত টাকা income হয় আর খরচ হয় ৬শত টাকা তাহোলে এখরচ বাড়বার জন্য tax ধার্য্য কোরতে হয়, আর বৃদ্ধি কোরতে হয়। কিন্তু খরচ কম হোলে সেই tax বাড়ানোর কোন দরকারই ছিল না। আর এই tax দিয়ে গরীবের কোন উপকার হোতে পারে না। গরীবের জোন্য একটা পয়সাও খরচ হয় না। কতকগুলি টাকা যে বাজেটে রাখা হোয়েছে Labour Department এর জন্য সেটা হোলো কতকগুলো office রেখে আমাদের, register trade union ভেঙ্গে দেবার জন্য আয়োজন করা হয়েছে। তা ছাড়া stamp৩ court fee সম্বন্ধে কর বৃদ্ধিও গরীবদের যে affect কোরবে না একথা সত্য নয়। Cinema তেও যেমন গরীবরা যেতে পারে না তার উপর tax বসানের দরুণে। বারি সাহেব হয়ত বোলবেন তারা যদি Cinema এ যেতে চায় যাক্। তারা যেয়ে চাটাই বা মাদুরের উপর বোসে দেখুক। যদি tax না থাকতো তাহলে গরীব লোকেরা ভাল আসনে বোসে একটু Cinema দেখতে পারতো। এ কথায় যারা হাসছে হাসুক, যারা চায় গরীবেরা মোটর চোড়তে পারবেনা, সিনেমা দেখতে পারবেনা—তারা হাসবেই। কিন্তু যারা হাসছে, তাদেরও ভেবে দেখা দরকার যে গরীবেরাও একটু সুখ চায়, তারাও আমোদ কোরতে চায়, তারা জগতে শুধু খাটতেই আসে নাই, তারাও মানুষের মতন কিছু প্রাপ্য আদায় কোরতে চায়, তারাও মানুষের মতন বাঁচতে চায়। আজকে নাকি ভোটের জোরে অনেকে এখানে এসেছেন, তাই একথা শুনে হাসছেন। না হলে অনেকেই চার আনার সিটে বসে ভাবতে হতো—যদি নয় আনার সিটে বোসতে পারতাম, তাহলে আর একটু ভাল জায়গায় ভাল লোকের সঙ্গে বোসে দেখতে পারতাম। সেইজন্য বোলছি হাসা না কোরে নিজের দিকে একটু চেয়ে দেখা দরকার। যারা নীচে আছে

তাদের আজ উপরে টেনে আনা দরকার, তারা যাতে একটু সুখ ভোগ কোরতে পারে সে দিকে আমাদের লক্ষ্য রাখা দরকার।

এখন টাকা আসে কোথা থেকে—আমি বোলছি। গরীবদের কাছ থেকেই টাকা এসে রূপান্তরিত হচ্ছে অন্যের হাত দিয়ে। যারা সত্যিকারের প্রজাবন্ধু ছিসাবে কথা বোলতে চান তারা যাতে ভালো কোরে ভেবে চিন্তে এই বিল সম্বন্ধে মত প্রকাশ কোরতে পারেন সেই জন্য এ বিলটী ভাল রকম circulated হওয়া দরকার। আর একটা কথা বারি সাহেব বোলেছেন—এই Bill যখন প্রথম আসে ১৯৩৫এ তখন মোমিন সাহেব প্রজাপার্টির একজন leader ছিলেন, এবং তিনি এই Bill approve কোরেছিলেন। আমার মনে হয়, বারি সাহেবের ভালো কোরে জানা দরকার যে মোমিন সাহেবের মতন লোক যদি প্রজা এবং প্রজাবন্ধু হোতে পারেন, তাহোলে এখানে এমন অনেকেই আছেন যারা খুব নিরীহ প্রজা। তা ছাড়া তিনি যদি সত্যিকারের ছিসাবে মনে করেন এই Bill এ পরীক্ষায় ভালো হবে তাহলে গরীবের মুখ থেকে একটা কথা শুনে নিতে এত আপত্তি কেন? আমি বারি সাহেবকে বোলছি—দুজনে চলুন mass এর কাছে যাই। mass এবং জনসাধারণ যদি বলে—"এই বিল আমরা চাই," তখন আমি বোলবো এ Bill কে support কোরতেই হবে—যেহেতু গরীব জনসাধারণ এ Bill চায়। তা না কোরে আজ ভোটের জোরে পাশ কোরতে পারেন, কিন্তু একদিন আসবে যে দিন জনসাধারণ এর বিচার কোরবে।

Maulvi ABDUL BARI: Sir, I accept the challenge of Mr. Zaman.

Mr. A. M. A. ZAMAN: I am very glad to hear that Mr. Abdul Bari is prepared to accept my challenge.

Mr. SPEAKER: Order, order. This House is not intended to be utilized for challenging each other. (Laughter.)

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir, I am very doubtful if my friend the Hon'ble the Finance Minister was quite happy at the defence put up for him by the Hon'ble Member from Berhampore. He seems to have rushed in where angels fear to tread. Sir, if the Hon'ble the Finance Minister wants the support of the House, he has to show a better case. I definitely assert, that I do not see why, with a prosperity budget, he wishes to make use of the pernicious system of making emergency measures permanent. I wish, as I said the other day, that some courage were shown. I wish that, instead of going the whole hog and making these expiring laws permanent, he had told us "I shall try them for a year or I shall try them for two years"; I wish he had told us that he was going to get these 18 lakhs from that octopus, the Calcutta Electric Supply Corporation. Why not tax them? I am told that the dividends declared by it are very high, the Director's fees are still higher, and, therefore, I submit that it is the Electric Supply Corporation that should be made to pay this amount, if it is necessary for the balancing of his budget. Some Hon'ble Members have told us that Government did not make use of the money that was already at their disposal but nobody has mentioned the 70 lakhs of rupees which the Hon'ble Finance Minister is hiding in his pocket. Sell these temporary Treasury Bills if you want money, but, really, you

do not want any more money. The Hon'ble the Finance Minister has already got more than one crore, and further, he is going to get a fairly fat amount at the end of the year. Why then make these temporary Acts permanent which the public, whether it be of Calcutta or of the districts, does not like. The Hon'ble the Finance Minister is doing that which his bureaucratic predecessors dare not do although financial strigency and the general trade depression would have been sufficient reasons for them to do so. He is, sir, as a Finance Minister, in a very enviable position. Finance Ministers all over the world nowadays have to think in terms of debts and deficit budgets. Bengal has no debts to pay and that is one more reason why our Finance Minister should not have recourse to taxation unless it is proved to be absolutelyy necessary. Why does he want all this money when he is going to have, as I have said already, a good closing balance at the end of the year?

It has been pointed out that the people in Calcutta are poor. There are rich people also in Calcutta. If the poor people are going to live in Calcutta, they have got to pay for the current they use. I admit that. But if the policy of popularizing the use of electricity in the urban and rural districts and making such use country-wide is to be adopted by Government, then a decision on this point in favour of this Bill may retard our progress in that direction. We all want to see a prosperous Bengal, a healthier Bengal and a cleaner Bengal in time to come—say, in five years or so. Therefore, sir, I would appeal to the Hon'ble the Finance Minister to see his way either to withdraw this Bill (Cries of "hear, hear") or to so amend it as would justify our support of it.

Sir, as regards the Stamp duty, the Honourable Member from the Indian Chamber of Commerce, has put up a good case and his demand, that efforts should be made, if possible, by this Government to make a uniform payment of these duties, on Powers of Attorney, Memorandums and Articles of Association and many other legal and commercial documents, all over India, should be acceded to. If you make that also permanent, then it will be very difficult to go back upon it. Therefore, Sir, until we have tried the Government of India and induced them to adopt a uniform rate of these fees possible, let the Hon'ble the Finance Minister postpone this matter till then.

Sir, I could not hear the speech of the previous speaker, but it seems that in times when there was no money, when we were passing through depression, amusements had to be taxed. To me it appears that it was a cheap imitation of what was done in New York, in London and in other Continental towns. Our people do not get sufficient amusement. Their whole life is one round from the factory to a very awkward and uncomfortable bed, and from that awkward bed to the factory. I would, therefore, in order to give them a change of mentality, atmosphere and surroundings or rest from the normal drudgery course of life, make cinemas and other amusements free—not only of the tax, but, as in

London and other places, where labourers and workers are given cheaper rates on the trams and buses. I wish the Hon'ble the Finance Minister could show some imagination and provide free cinemas and free amusements for our working classes. Here, on the other hand, we find that this Amusements Tax is going to be made permanent. When are these taxes going to be stopped? I do not know how and in what light he will take my remarks but I do feel that, with a surplus budget, with a good balance at the end of the year and with no use for the money that he is going to collect through this Bill, he could afford to be generous. Something should be done to satisfy the general desire for relief from taxation of the House and of the public at large.

Khan Bahadur Maulvi JALALUDDIN AHMAD: Mr. Speaker, Sir, I am sorry I am constrained to withhold my support to the Expiring Laws Bill introduced by the Hon'ble Finance Minister. I fully agree with the arguments that have been advanced by the previous Speakers, who have, indeed, lightened my task. The Indian Stamp Act of 1935 is the product of two amendments on the original Stamp Act since 1922. I do not agree with my friend Mr. Abdul Bari that it does not affect the poor people. The middle class are also poor. The rich, however, may not find any difficulty in paying this duty. In my district there are small landholders and *jotedars* who have been affected by the Stamp Act in such matters as partition deeds, general powers of attorney and by other enhancements of duty under provisions of the Act of 1935. Sir, taxation, in itself, is an odious thing, and it should not be imposed unless Government are forced to it by extreme financial difficulties. In this matter I agree with Mr. Siddiqui, who has just spoken.

Sir, with regard to the other Acts, such as, the Amusements Tax Act, and the Electricity Duty Act, I have not got anything to say.

With these words, Sir, I decline to give my support to this enactment.

Mr. SPEAKER: I think I had better bring this debate to a close and adjourn the House at this stage. I propose to call upon the Hon'ble Finance Minister to reply after prayers.

I shall now adjourn the House for 20 minutes for prayers.

The House was then adjourned for 20 minutes

(After adjournment.)

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, it has been complained that we are trying to make the taxation measures, which were simply emergent and temporary measures, permanent. It is true, Sir, that when these measures were first enacted they were meant to

bridge the gulf between revenue and expenditure prevailing in those days, that is mostly to meet the deficit. I admit also that the purpose for which we are seeking to continue these measures is not to make up any deficit, but to carry on our programme of national industrial improvement, agricultural improvement, etc. The money that is now available will not be sufficient even to touch the fringe of the problem.

Then, Sir, one member at least has laid stress on the word "permament"—that we are seeking to make these measures permanent. Sir, all taxes are in a sense permanent; but to-day they are permanent to-morrow they can be modified. If Government find that it is not necessary to raise the sum or even if at some future date Government find that these taxes are weighing heavily on the people and that they are unable to afford them, certainly Government would come forward with their proposals either to modify or repeal them.

Again, it has been said that we have got a prosperous financial position and that we should not try to add to our financial resources. My friend, Mr. Santosh Kumar Basu, made an impassioned appeal to this side of the House showing the prosperity of our financial position. I do not think, Mr. Basu has understood the position quite well. Though he has referred to about Rs. 3 crores of our closing balance, he knows perfectly that that closing balance is not a free balance. I have shown that without these taxation measures, our closing balance should be one crore of rupees, and even this one crore of rupees is not a recurring thing but a non-recurring thing. Those of you who are aware of the financial condition when the Montague-Chelmsford Reforms were initiated know that the then Government started with an opening balance of Rs. 2 crores and within 18 months these two crores vanished and they had to go in for new taxation measures. So I do not think that even this one crore of rupees will remain free very long. As you know, the Bengal Tenancy (Amendment) Bill is going to be enacted very shortly, and if it is enacted on the same terms as you have passed it in this House it will entail a non-recurring liability of Rs. 50 lakhs, being the amount of deposit of *salami* with the Government which, after the passing of the Bengal Tenancy Act, will have to be paid to the claimants and no fresh *salami* will come to that fund to recoup it. Thus this one crore of rupees, after meeting all our liabilities for the year, will not remain a free balance.

The next thing, Sir, you have suspended the operation of the Public Demands Recovery Act and you are insisting on prohibition—these measures are bound to affect Government's revenue. On the other hand, there is an insistent demand in this House, and I think rightly, that we must expand our nation-building activities; all these things cannot be done without fresh taxation and without fresh resources. It is not the custom of the provincial Government

to have taxation measures every year commensurate with their programme of expenditure for that year. It is usual, and it is I think very helpful, first to ascertain our resources, then make the programme for expenditure on nation-building activities. That is why we have proposed to continue these taxes for a longer time. I can, however, assure the House that if at any time it is found that they are telling heavily on the poor people—telling heavily on those who cannot bear these taxation or that they are retarding the industrial and economic growth of this province, —Government will certainly come forward with their modified Bill or even if necessary with measures for repealing these measures.

Then, Sir, my friend Mr. Santosh Kumar Basu regretted that as a first responsible Finance Minister I should think it my duty to come with fresh taxation proposals. As I said before, I am not coming yet with any fresh taxation measures. I am only seeking to continue the taxation measures which are already in existence. But if necessity arises for the larger development work for which there is an insistent demand in this House, I will not hesitate to bring in fresh taxation proposals. He was very sorry that I who claimed to be a popular Minister have come forward with these proposals befitting a bureaucratic Minister, but my consolation is that I am in very good company, for the Congress Finance Minister of Bombay has also done the same thing. I will read one paragraph from the Budget speech of the Hon'ble Finance Minister of the Bombay Government. He said: "As the House is clearly aware four of the existing sources of revenue, namely, the Electricity Tax, Stamps, Court-fees Tax, Tobacco Tax, have got to be placed on a permanent basis and the legislative proposal to that effect will be duly submitted to this House. I am aware of the opposition evoked by some of these measures when they were first adopted and later on renewed. The increase in stamps, court-fees duties and tax on tobacco was strongly objected to, but circumstances have changed so much in recent years that these objections do not now possess the same validity as before." Then in the concluding portion of his Budget speech he said: "we cannot mint new rupees or print new currency notes. All the money we can get will be by such taxation as may well touch the pockets of those who can afford to pay" and not only that so far as the electricity duty is concerned, Bombay has increased in certain places their rates by three pies by which they expect to raise Rs. 5 lakhs more than what they were getting for the last three or four years.

Another point I want to place before you is this. Electricity is a subject ,which is not under the absolute control of the Provincial Government. It is a subject which is governed by Schedule VII of the Government of India Act under the Concurrent List. Part II,

where both the Provincial Governments and the Central Government have got the power to legislate and in case of electricity and a few other items we cannot legislate except under the direction of the Central Government. In order that we may get those resources this Government for the last 5 or 6 months has been negotiating with the Government of India to allow it to impose this electricity duty and in the recent Finance Ministers' Conference at Delhi it was decided that the Central Government would write to the Secretary of State and get the Act amended to give power to all the provinces to impose the electricity duty. Practically the initiative in this regard was taken by this Government.

So far as the Stamp duty is concerned, Mr. Khaitan raised a point that it is not equal to other Provinces, I have no information about the Government of Bihar or of the United Provinces but I have compared our rates with Bombay and Madras and found that we are on equal footing.

So far as the cost of electricity is concerned since the passing of this Act in 1935 the Calcutta Electric Supply Corporation have reduced their rate by about 20 per cent. So at a time when these duties were passed, the conditions were different. Now electricity has become cheaper in Calcutta.

Mr. SANTOSH KUMAR BASU: So you are depriving Calcutta of the benefit given by the Calcutta Electric Supply Corporation.

The Hon'ble Mr. NALINI RANJAN SARKER: They gave that benefit after the duty was imposed. My friend Mr. Basu wanted to save the mofussil people from paying these rates; I sympathise with him. But I may tell him that mofussil undertakings have not been retarded due to the imposition of these duties. As he will find their income from these duties is increasing and every year fresh licenses are being applied for. I am very happy that Mr. Basu has tried to do something for the mofussil members but I have seen some cut motions on the budget grants by which a larger issue is going to be raised and Mr. Basu will have to defend that and if he succeeds in that I will certainly congratulate him. In comparison with that subject, I think, electricity is very small. Some of the mofussil members of this House have put in a scheme that the expenditure of the Calcutta Police—the major portion at least—must be borne by the Calcutta people and I am waiting to see with pleasure how Mr. Basu's advocacy prevails.

My friend, Mr. Siddiqi (he is not here now) in his budget discussion asked me to launch upon bold schemes and to raise crores and crores of rupees in loan for industrialisation. If I have to raise loans, if I have

to propose loans, nobody would buy those loans unless I can show that I have got sufficient resources to pay the charges.

For these reasons it is absolutely necessary that those taxes which we have now got must be continued, so that we can initiate larger expenditure for the beneficent departments.

Mr. SANTOSH KUMAR BASU: Why not cut down the frivolous expenditure.

The Hon'ble Mr. NALINI RANJAN SARKER: If I am allowed to waste the time of the House I can show from Congress documents that the Bombay Congress Minister has answered this argument also. He said that mere retrenchment would not help matters very much.

Mr. SANTOSH KUMAR BASU: Will you adopt the principle of the Bombay Minister in its entirety?

The Hon'ble Mr. NALINI RANJAN SARKER: We have adopted more, and when the time comes, I would show what they have done and what we have done. Let Mr. Basu not be impatient. Mr. Basu is not here to criticise things on their own merits. He does not like this Government. He wants to overthrow it and occupy this place. So whatever measures we shall adopt, he is bound to oppose them.

Rai HARENDRA NATH CHAUDHURI: That is our constitutional duty.

The Hon'ble Mr. NALINI RANJAN SARKER: He was sorry that I like a bureaucratic Minister brought these taxation proposals, but I am very sorry that Mr. Basu who represents the Congress party, the champion of the poor people, should oppose these proposals because the taxes proposed under these measures will be borne by a comparatively well-to-do people.

Mr. SANTOSH KUMAR BASU: You are absolutely wrong.

The Hon'ble Mr. NALINI RANJAN SARKER: I am absolutely right. Mr. Basu who reads my budget speech, but does not care to distinguish between non-recurring and recurring expenditure. (Laughter.) Mr. Basu asked me when I have invested Rs. 70 lakhs in Treasury Bonds what was the use of additional money. I have invested 70 lakhs out of the Debt Deposit Fund and that was a temporary investment.

Mr. SANTOSH KUMAR BASU: My learned friend has entirely misunderstood me. I did not utter a single word about Treasury Bills.

The Hon'ble Mr. H. S. SUHRAWARDY: Yes; you did.

Mr. SATOSH KUMAR BASU: My difficulty is that I have got no Secretary either private or public to prepare my speech.

Mr. SPEAKER: I think when a member makes a disavowal of his statement it is the Parliamentary practice to accept it.

Rai HARENDRA NATH CHAUDHURI: Parliamentary practice is unknown to them.

The Hon'ble Mr. NALINI RANJAN SARKER: Mr. Basu appealed to the House and quoted Lord Ronaldsay.

Rai HARENDRA NATH CHAUDHURI: Not Mr. Basu, but I quoted.

The Hon'ble Mr. NALINI RANJAN SARKER: I am sorry because I was always thinking of Mr. Basu. If it was Mr. Rai Chaudhuri, I do not want to reply; it is not necessary.

Mr. SPEAKER: I think it will meet with the approval of the House if I select one of these motions for the decision of the House and judge the result with reference to that particular motion. I wish to take one motion from each group and take the vote of the House on that. But I might explain that I shall first put the motion about circulation for the purpose of eliciting opinion. If that is carried then others fall to the ground.

I will now put the motion of Mr. Nishitha Nath Kundu that the Bengal Expiring Laws Bill, 1938, be circulated for the purpose of eliciting opinion thereon by 31st July 1938.

The motion was put and a division was asked for.

Mr. SPEAKER: Before I put this motion again I would ask Mr. Sarat Chandra Bose and also the Leader of the House, whether it would not be desirable if the lobbies to my left are entirely reserved for the opposition and the lobby to the right entirely reserved for

Government and their supporters, so that there may not be any crossing with each other; it would also avoid the demonstrations which are sometimes witnessed on the floor of the House.

Rai HARENDRA NATH CHAUDHURI: A mistake may be made, Sir, with this change in the method of taking the division.

Mr. SPEAKER: Well, no mistake is apt to be made, for if you belong to the opposition you are bound to go to your left.

Rai HARENDRA NATH CHAUDHURI: Then, Sir, there is also the question of the "Ayes" and "Noes" lobby.

Mr. SPEAKER: No question of "Ayes" and "Noes" lobby. You are supposed then to be blind to that and only keep to the left.

If, however, this matter does not commend itself to the House then I would certainly insist that members will be good enough to straightaway go to the doors without blocking the way and creating confusion, as is sometimes done. There are three doors on this side and three doors on the other side, and I would certainly expect that members will proceed straightaway to the lobbies, instead of congregating in the centre and creating great congestion on the floor.

Mr. JOGESH CHANDRA GUPTA: I think, Sir, it will be convenient to continue the arrangement which has obtained up till now, and the present suggestion of the Chair may be considered later on.

Mr. SPEAKER: All right. There is no objection to continue the present practice, but I hope that members will kindly keep to their seats and not cross and re-cross the floor and create congestion in the centre, before going into the lobbies.

Mr. JOGESH CHANDRA GUPTA: I think, Sir, that at the time of the division the whips of the parties will have to go about, but unfortunately trouble is created if the leaders take their supporters or lukewarm members in their arms and conduct them into the lobby.

Mr. SPEAKER: I think Mr. Gupta realises that if it causes trouble to the whips and the leaders it causes no less trouble to the Chair.

The House will now divide. The "Ayes" will go to my right and the "Noes" to my left.

The motion was put and a Division taken with the following result:—

AYES.

Abdul Hafeez, Khan Bahadur Syed.
Abdul Hakim, Maulvi.
Abdul Majid, Maulvi.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mr. Md.
Aftab Ali, Mr.
Ahmed Khan, Mr. Syed.
Armstrong, Mr. W. L.
Asimuddin Ahmed, Mr.
Bannerjee, Dr. Suresh Chandra.
Banerji, Mr. P.
Banerjee, Mr. Pramatha Nath.
Banerji, Mr. Satya Priya.
Bannerjee, Mr. Manoranjan.
Basu, Mr. Santosh Kumar.
Bhowmik, Dr. Gobinda Chandra
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakraborty, Babu Narendra Narayan.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Chippendale, Mr. J. W.
Das Mr. Mahim Chandra.
Das, Mr. Radhanath.
Das Gupta, Babu Khagendra Nath
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deisi, Mr. Harendra.
Dutta, Mr. Sukumar.
Dutta Gupta, Miss Mira.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Gomes, Mr. S. A.
Goswami, Mr. Tulsi Chandra.
Griffiths, Mr. C.
Gupta, Mr. Jogesh Chandra.
Hasan Ali Chowdhury, Mr. Syed.
Himatsingka, Mr. Prabhudayal.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maguire, Mr. L. T.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Mal, Mr. Iswar Chandra.
Mandal, Mr. Jogendra Nath.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hossain, Mr.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. S.
Mukherji, Dr. H. C.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Norton, Mr. H. R.
Pain, Mr. Baroda Prosanna.
Patton, Mr. W. C.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamakrishna.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sanyal, Mr. Sasanka Sekhar
Sen, Mr. Nagendra Nath.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Harendra Kumar.
Yusuf Mirza.
Zaman, Mr. A. M. A.

NOES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hakim Vikrampuri, Mr. Md.
Abdul Hamid, Mr. A. M.
Abdul Jabbar, Palwan, Mr. Md.
Abdul Kader, Mr.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rashid Mahmood, Mr.
Abdur Rasheed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdus Shaheed, Maulvi Md.
Abul Hashim, Maulvi.
Abul Hossain, Mr. Ahmed.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Aftab Hossain Joardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Enayetpuri.
Ahmed Ali Mridha, Maulvi.
Ahmed Hossain, Mr.
Alfazuddin Ahmed, Khan Bahadur.
Amir Ali, Md. Mia.
Anderson, Mr. J. P.
Ashrafuli, Mr. M.
Aulad Hossain Khan, Maulvi.
Bannerman, Mr. H. C.
Barat Ali, Mr. Md.
Barma, Babu Promhari.
Barma, Mr. Puspajit.
Barman, Mr. Upendra Nath.
Basu, Mr. Jatindra Nath.
Brasher, Mr. F. G.

Campbell, Sir George, Kt.
Greenfield, Mr. L. M.
Das, Mr. Anukul Chandra.
Das, Mr. Monmohan.
Dass, Mr. Debendra Nath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Faziul Huq, the Hon'ble Mr. A. K.
Faziul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Fazlur Rahman Muktear, Mr.
Ferguson, Mr. R. N.
Haßzuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hashem Ali Khan, Khan Bahadur.
Hasina Murshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Haywood, Mr. Rogers.
Hirtzel, Mr. M. A. F.
Homan, Mr. F. T.
Idris Ahmed Mia, Mr.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
Kennedy, Mr. I. G.
Maßzuddin Choudhury, Maulvi.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Amrita Lal.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Millar, Mr. C.
Milne-Robertson, Mr. C. E. L.
Mohammed Ali, Khan Bahadur.
Mohsin Ali, Mr. Md.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Dr. Syed.
Muhammed Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Putia Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustaqawal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srie Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Nausher Ali, the Hon'ble Mr. Syed.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Pramanik, Mr. Tarinicharan.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Raihuddin Tarafdar, Maulvi.
Ray Choudhury, Mr. Birendra Kishore.
Razaur Rahman Khan, Mr.
Reid, Mr. J. B.
Roy, Mr. Patiram
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji
Salim, Mr. S. A.
Sarkar, Babu Madhusudan
Sarkar, the Hon'ble Mr. Nalini Ranjan
Sassoon, Mr. R. M.
Sen, Rai Bahadur Jogesh Chandra
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khandkar, Mr.
Singha, Mr. Kshetra Nath
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, Maulvi
Tapuriah, Rai Bahadur Moongtu Lall
Tofel Ahmed Choudhury, Maulvi Haji
Wallur Rahman, Maulvi
Walker, Mr. J. R.
Wordsworth, Mr. W. C.
Zahur Ahmed Choudhury, Maulvi

The Ayes being 78 and Noes 117, the motion was lost.

Mr. SPEAKER: I think, I shall now formally put the other three motions.

The following motions were put and lost: -

Rai HARENDRA NATH CHAUDHURI to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1938.

Maulvi ABU HOSSAIN SARKAR to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st May 1938.

Mr. BIRENDRA NATH MAZUMDAR to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March 1938.

The motion that the Bengal Expiring Laws Bill, 1938, be taken into consideration was then put and agreed to.

Clauses 1, 2 and 3.

Mr. NAGENDRA NATH SEN: I beg to move that clauses 1, 2 and 3 be deleted.

I also move that in clause 2, lines 3 to 7, for the words beginning with "in force" and ending with "are hereby repealed" the words "for a further period of one year after the dates of their expiration" be substituted; that in clause 2, lines 3-7, for the words beginning with "in force" and ending with "are hereby repealed" the words "for a further period of two years after the dates of their expiration" be substituted; that in clause 2, lines 3-7, for the words beginning with "in force" and ending with "are hereby repealed" the words "for a further period of three years from the dates of their respective expiration" be substituted.

My reasons therefor are that it is a very clever move on the part of the Hon'ble Minister for Finance that instead of bringing in a direct taxation measure he has taken shelter under the sub-terfuge of re-enacting some Acts which are due to expire within a few months, that they do continue in order to disarm the Opposition, if I may say so. The mischief which was created by these 4 Acts which are now sought to be continued is manifest from a reading of the proceedings of the Bengal Legislative Council of 1935 when they were enacted into law. All these measures, viz., the Court Fees Amendment Act, the Stamp Amendment Act, the Electricity Duty Act and the Amusement Act, were carried in the teeth of vehement opposition. At that time the assurance was formally given by the then Hon'ble Member of the Executive Council of His Excellency the Governor, in charge of Finance, that these were temporary measures. There might have existed some reasons at that time for enacting those measures into law because the revenues were then in a depleted condition. The question is whether those conditions still exist. The Hon'ble the Finance Minister has in the present Bill given us absolutely no reason for the retention of these temporary measures on the Statute Book. He only says the object of this Bill is to continue the tax imposed by Nos. 2 to 5 of the above measures. What are the reasons for asking this Legislature to continue and to make permanent those laws, he has not cared to say, nor in his reply to the circulation motion which has just now come before the House has he given out any valid and cogent reasons why these taxation measures should be retained.

Taxation measures are emergency measures, and as I have said they were carried out in the teeth of fierce opposition from the members of the late Bengal Legislative Council. Some members, I say, went to the length of saying with regard to one of them that it was an obnoxious measure; another member said that it was the most detested measure that has ever come through. Sir Bijoy Prosad Singh Roy (he was then Mr. Bijoy Prosad Singh Roy) although he voted for the passing of the Bill, he still said that any measures of taxation are undesirable and more so in a poor country like ours. I should like to ask the Hon'ble the Finance Minister what has led him to introduce these measures at this time when we are discussing the Budget. There might be some time later on when he may think the convenience of introducing a measure like this so as to disarm public opposition with regard to a measure like this. It has been said by some members that these measures are for the good of the poor people, and these measures do not touch the poor people. I will take up first this Stamp Act. It will be observed from what was enacted in the year 1935,—although there were only few sections—still it will be apparent from a perusal of that Act that it was fraught with the gravest dangers. At least 35 items of Schedule I to the Bengal Stamp Act were amended, and I shall read, Sir, from a speech of the Hon'ble Sir John Woodhead. He says——

"First of all comes an agreement or memorandum of an agreement relating to the sale of a Bill of Exchange—that does not affect the poor man."

He says that it does not affect the poor man. I do not agree with him. He has not given any reason, and I cannot see what was his reason for saying so.

Then he says: "Appraisement of valuation made otherwise than under an order of the Court in the course of a suit, if the amount exceeds Rs. 1,000—that also does not affect the poor man."

"Apprenticeship deed—a man who can afford to apprentice his son can hardly be called a poor man." That may be so.

"Articles of association of a company——." I need not read this.

"An amount where the property exceeds Rs. 1,000—that can hardly be said to hit the poor man."

"Bill of lading—it has nothing to do with the poor man." This seems to be an astounding proposition. I would submit, Sir, that if poor people have got nothing to do with Bill of Lading, that is Sir stifling trade and commerce even on a small scale.

"Bond—the duty on bonds, where the amount secured does not exceed Rs. 200, was not increased in 1922 with a view to protect the poor man."

In this case I will show from an analysis of the Stamp Act that it is not so. The Government edition of the Indian Stamp Act (Act II of 1899) corrected up to 1936 will show that so far as bonds are concerned the amendments made in articles 14 and 15 of the Indian Stamp (Bengal Amendment) Act of 1935 referred in footnote will remain in force for three years only and also that 2 annas, 4 annas, 8 annas and one rupee and where it exceeds Rs. 300 and does not exceed Rs. 400 the duty was enhanced from Rs. 2 to 3, and when it exceeds Rs. 400 but does not exceed Rs. 500 the duty is Rs. 3-12, that is it has been enhanced by 50 per cent.

"Certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue Court, or Collector or other Revenue Officer—the purchaser who buys a property cannot be described as a poor man."

A more unsympathetic language was never used by a responsible Finance Member of the Government of Bengal as if a poor man cannot buy any property. After all if his property is sold he is hit by that, and if the purchaser has got to pay the enhanced stamp duty upon his certificate of sale, that hits the poor man whose property has been sold. Formerly it was 2 annas; it was increased to 3 annas, and it was increased to 4 annas, that is cent. per cent. increase in the year 1935. A reference must be made at this stage to the Poundage fee which is levied under the High Court Circular orders at the rate of 2 per cent. So it amounts to this. The former rate was 1 per cent., then it was enhanced to 1½ per cent., and again it was enhanced to 2 per cent. In addition to the poundage fee, in Calcutta there is also the Improvement Trust. That comes to 2 per cent., which means a person has got to pay 6 per cent. of the purchase money. If this is not inequitous, I do not see what it is.

"A composition deed between a debtor and his creditor—a debtor may perhaps be described as a poor man, but the poor villager will not be affected by this duty."

"A copy of an extract certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court-fees—hardly likely to affect the really poor man."

A really poor man has got some business often in the Civil Courts or Revenue Courts. He is sued by his landlord; he is sued by his creditor; and he must obtain copies of documents from the Court, and the High Court circular orders are very rigid and stringent. Now, Sir, if the duty of having certified copies or uncertified copies is doubled, what the poor man has got to do? Can it be said that it does not hit hard the really poor man?

"Counterpart or duplicate of instrument chargeable with duty and in respect of which the proper duty has been paid—here again, particularly in view of the exemption, I do not think it is likely to hit the really poor man."

Sir, that is only a lame excuse. He is not bold enough to say that it does not.

"A mortgage deed other than a mortgage deed of a crop—there is no change unless a collateral or auxiliary or additional security is given and the sum secured is in excess of Rs. 1,000."

I shall again take the members of this House to the Stamp Act, and I shall show, Sir, that in regard to Mortgage Bond what was previously 8 annas was made 12 annas, and what was formerly two annas on mortgage of a crop was enhanced to 3 annas and then in 1935 enhanced to four annas. With regard to the mortgage of a crop if it has not hit the really poor man, I do not see what hits him. Presumably it does not concern the really poor men. It reminds me of a Bengali adage গেরস্তর আবার শ্বশুর বাড়ী কি? (as if a poor man has got no need of his father-in-law's property). Now, Sir, suppose a man put his property worth more than Rs. 1,000 under mortgage and if he is at all able to free his property the mortgagee was to pay Rs. 5 which was afterwards raised to Rs. 7-8 and in 1935 it was raised to Rs. 10. Such enhancements in the court-fees drastically hit the poor men, e.g., in the transfer of monetary interest secured by a mortgage bond or policy of insurance, etc. If the duty on such mortgage or policy exceeds Rs. 5 it is not likely to affect the poor men. Guarantee of existing court-fees has nothing to do with the poor men. Lastly I come to one item which can be said to affect the really poor men. I have read, Sir, all the 24 items, which were made the subject matter of amendment of the bills introduced in 1935. I have read what Sir John Woodhead was frank enough to admit in the year 1935, and I have read all these items, and it is for you, gentlemen, of this House to see whether the amendments which were carried out in the year 1935, in all conscience should be allowed to continue on the Statute Book, so as to hit the poor men. Are there no other people in the world for whose protection legislation is not needed? Mr. Abdul Bari on the other side of the House has said that he wants to crush the money-lenders, the exploiters, the Zemindars and the Mahajans. Let him do so in the fulness of his heart. If there is any inequitous man like Shylock let him be crushed. Because a man has advanced some amount under mortgage to poor and needy people and when the latter has repaid that with or without interest would it be equitable to say that in the matter of granting a release he (the lender) should be charged Rs. 10 instead of Rs. 5 which was originally the duty, and if this duty is to be paid by the mortgagee, does it not really hit the poor man? Then, Mr. Bari was pleased to say that the

amendment of the Court-fees Act of the year 1935 related absolutely to probate and other duties with which the really poor man has absolutely nothing to do. I would place before the hon'ble members of this House an extract from the report of the Indian Taxation Enquiry Committee, 1924-25, at page 271 in which that Enquiry Committee was of opinon that "It is, therefore, recommended that for the purpose of introducing a general inheritance tax in India on the lines of those obtaining in the United Kingdom, for removing the inequalities in the existing probate duties, and as a necessary measure of law, an attempt should be made to introduce in this country a system of representation on the lines of those in force in the United Kingdom, in other words, to extend the existing law of probate to all the communities. To ensure the success of the scheme, at the initial stages a limit of exemption should be placed on properties worth up to Rs. 5,000 and even on sums exceeding that, the figure of duty payable should not be high. The duty may be in accordance with the following scale:—

Rs. 5,000—Nil.

Next Rs. 5,000—Half a per cent.

Next Rs. 10,000—One per cent.

and so on, on a graduated scale.

Mr. Abdul Bari knows it quite well that the incidence of taxation under the Bengal Acts of 1935 is nearly 300 per cent., in excess of that recommended by the Taxation Enquiry Committee, and Mr. Bari is absolutely wrong in saying that the Act VII of 1935 does not hit the poor men. I invite the attention of the hon'ble members of this House to section VIII of the Bengal Amendment Act VII of 1935 in which the Local Government was empowered to fix certain rules, which would have the force of law and availing themselves of the power acquired by section VIII of that Act the Government of Bengal issued on the 7th of March 1936 a notification amending certain items of section VII, and it was there held that it was prescribed thereby that if the relief sought is in respect of a degree for money, the court-fee to be payable should be by far less than the amount for which the degree was to be passed. Before the passing of the Bengal Amendment Act VII of 1935 it was in the power of the litigants, namely, the plaintiff to put on a valuation of his own. It was after the power which was acquired under this Act VII of 1935 that the Bengal Government in the fulness of its powers issued this notification. If it has hurt anybody, it has hurt the debtor, it has hurt the really poor and the needy men, who want to have the degree brought against him fradulently by appealing to the court for the cancellation of the same.

As regards the other two Acts, enough has been said by other members at the time when the previous motion was before the House, and, therefore, I recommend to the hon'ble members of this House that when

nothing has been shown by the Hon'ble the Finance Minister as to the further retention of these taxes, the members will be pleased to accord their sanction to my motion.

Mr. SPEAKER: Have you moved all your amendments?

Mr. NAGENDRA NATH SEN: I have moved amendments 1, 9 and 10, etc. I think I have moved all of them.

Dr. SASANKA SEKHAR SANYAL: I do not feel much enthusiasm about my amendment and, therefore, I do not propose to enter into details. Sir, I want to take this opportunity of criticising the manner in which the Bill has been introduced. Sir, there are principles of taxation, and there are principles of introducing Bills, and, Sir, as an infant in politics I cannot quote much precedent, but when precedents are failing we have to apply common sense. Sir, it is an admitted proposition that in times of emergency in order to meet some financial crisis certain taxation measures are adopted with a view specifically to meet those emergencies. Now it would be only fair to the previous legislature to have done so. It would be only fair to ourselves to allow all those measure to die a natural death, and if it be necessary to follow up those measures, it was quite open to the Hon'ble the Finance Minister or to anybody else for the matter of that to bring fresh measures on the old lines. Sir, that would have been quite straight and business-like. Sir, we look at the Statement of Objects and Reasons we find that the Hon'ble the Finance Minister has quoted alphabetical figures and it is as if on a point of a dagger, he wants the Bill to be passed lest we should lose so much money. Sir, if money were the only consideration, I would submit that the Hon'ble the Finance Minister would have plenty of other avenues for taxation, taxing even the very bread of the tenant, but it is no argument. The end does not always justify the means. The end cannot always justify the means. To-day, Sir, after criticisms had been levelled by honourable members of various parties, the Hon'ble Finance Minister had to take recourse to his stock argument that he was introducing this measure for prolonging the Taxation Acts because, otherwise, as he says, his nation-building activites might be starved. Well Sir, we go back to the Statement of Objects and Reasons, but there, again, we do not find even a whisper of that. Sir, on this principle of commonsense and prudence—this principle of fairness and justice—I submit that the Hon'ble Finance Minister ought to have had the fairness and courage to drop the Expiring Bill and to introduce fresh measures on the same lines, if so advised and considered to be necessary.

Then, sir, we wonder why and how he thought it prudent to group together several Acts which relate to different matters and are of different magnitude. Sir, between the Amusement Tax Act and the

Court-fees Act there is no connection whatsoever, except that the Hon'ble Finance Minister by his magic wand has grouped them together. Sir, if these different measures were brought up separately, then, certainly, the House would have analysed them severally and separately, and the members would have applied their minds to them on their intrinsic merits. Sir, apart from the question of legality that was raised by Dr. Sanyal, apart from any point of legality as to weather such grouping was permissible, apart from the question of any precedent of the British Parliament which was quoted by the Hon'ble Finance Minister, I submit that there is something like confusion of ideas and confusion of purposes. It is something like a misjoinder of charges which is bound to create confusion in the minds of those who are to sit upon the charges. Looking at the matter from a humble lawyer's point of view, I feel that such a multiplicity of demands and such a multiplicity of different things grouped together ought to stand self-condemned and discredited.

Sir, I do not find that it has been very just and fair, or even honest, to have grouped these measures together and to try to pass them together. We are thereby deprived of the opportunity of looking at the internal details of the emergency Acts. This Amendment Bill, as framed, brings only the exterior of the four Acts into our view, and the Expiring Bill does not expose the internal position of these different Acts. So, the position in which we are put to is that we are deprived of the *via media* which we might have adopted if the internal nature of the Acts were exposed. Suppose, for example, if the rates of court-fees or stamps were placed before us, we certainly would have decided to go without the old rates. And, in the same way, we could have decided not to do away with them altogether by agreeing to a lower rate than before. But as it is, sir, we must have either the whole hog or none at all. The Hon'ble Finance Minister by putting in the schedule the pompous figures in arithmetical numbers wants either to coerce the members to agree to such-and-such funds being provided for specific purposes, or he wants to cajole or tempt us with these tempting figures—that is more than what I can say.

On this principle, sir, I oppose this measure, and if you will kindly permit me I will move amendments Nos. 12 and 20 which run as follows:—

"that for clause 2, the following be substituted, namely:—

'2. The Bengal Amusements Tax (Amendment) Act, namely, Act XIII of 1935, shall be continued in force, and such provisions contained in the said Act or any part thereof are to remain in force for a further period of three years', and

'that the schedule to the Bill be omitted'."

Babu KHAGENDRA NATH DAS GUPTA: Mr. Speaker, Sir, I beg to move that after clause 2 the following clause be inserted, namely:—

"2A. After clause (*vi*) of proviso (*b*) to section 3 of the Bengal Electricity Duty Act, 1935, the following clause shall be inserted, namely:—

'(*vii*) by persons who are charged more than annas five per unit for lights and fans'."

My amendment is a simple one, and it does not require much argument. It aims at affording relief to the poor middle-class people residing in the mufassil towns as well as to the struggling electrical undertakings which operate in the mufassil, without any appreciable loss to Government. If my amendment is accepted, it will exempt those consumers who pay their electricity charges at more than 5 annas per unit from the operation of this Bengal Electricity Duty Act. By levying this electricity duty at an uniform rate of half an anna on all consumers of 15 units and over even though they have to pay as much as 8 annas per unit, Government have been doing injustice to the residents of small mufassil towns. Government should take note of the fact that people residing in the mufassil are already paying heavy charges for electricity in comparison with the people residing in Calcutta and its suburbs, where the charge for electricity is only 2 annas per unit, while in the mufassil towns it is 6 annas to 8 annas per unit. In mufassil towns rich people and big business and industrial concerns are very very few, and so the consumption of electricity is much less, with the result that the cost of production is very high as compared with the amount of energy supplied to the consumers. So it is not on account of the rapacity of these undertakings that the charge is so very high in mufassil towns than that prevailing in Calcutta and other big places like the City of Dacca. It might be that these electrical undertakings have been successful in some places but in the majority of places they are simply struggling on for bare existence and have not even been able to pay any dividend to their shareholders up to this time. A good number of them are new concerns and have not received any encouragement from Government in the shape of getting orders for connections to Government buildings, offices and quarters. It is not sufficient for these undertakings to stand on a sound footing within so short a period, as it is pretty certain that they have sustained heavy losses during the first few years of their existence. Sir, with the imposition of this electrictiy duty, these electrical undertakings have been very much hard hit inasmuch as small consumers, in order to avoid extra payment in the shape of electricity duty as well as to keep their already heavy bills within reasonable bounds, are consuming less electrical energy.

The acceptance of my amendment will mean a very insignificant loss to the Government, not even 3 per cent. a few thousands only—whereas on the other hand it will afford great relief to the people residing in the smaller towns as well as to the struggling electrical undertakings. On these grounds, I appeal to the Minister in charge to consider this question and accept my amendment.

Mr. DHIRENDRA NATH DATTA: I beg to move that in the schedule the entries relating to Bengal Act X of 1925 be omitted.

I beg to move that in the schedule the entries relating to Bengal Act XI of 1935 be omitted.

I beg to move that in the schedule the entries relating to Bengal Act XII of 1935 be omitted.

The sum-total of the motions that stand in my name is this: I want that the Bengal Electricity Act, the Bengal Court-fees Act and the Bengal Stamp Act be abolished and that the other Act, namely, the Bengal Amusement Tax Act should be extended. In moving these motions, I do not think that I should advance any argument because the judgment has already been delivered, and I am afraid the Judges are not in a mood to review their judgment. With these words, I move these motions.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I would be as short as possible. I find that my esteemed friend, Mr. Nagendra Nath Sen, has not only tried to kill three birds with one stone, but by the argument put forward by him, he has attacked only some sections of the Stamp Act, but by his motion he has tried to kill the whole Bill. I can say that if we find in the working of this Act that the poor people cannot have their "*shashur-bari*", as Nagendra Babu has described it, certainly Government will reconsider their position and try to make an improvement in that direction.

Then, Sir, my friend, Mr. Sanyal, has said that in my reply, I have given only stock arguments and he has brought in a new consignment of beautiful arguments which I cannot review. He has said that there has been a misjoinder of issues; I am not a practising lawyer, but from commonsense point of view, I can tell him that there has been misjoinder of charges on his part.

So far as Mr. Khagendra Nath Das Gupta's motion is concerned, I am unable to accept it, because from enquiry I find that it is not retarding the progress of the mufassil electric supply companies. Moreover, Government are always trying to encourage the mufassil electric supply companies by taking from such companies supply of electrical current and accessories for Government offices. So I am unable to accept his motion.

The following motions were then put and lost:—

Babu Nagendra Nath Sen moved that clauses 1, 2 and 3 be deleted.

Babu Nagendra Nath Sen moved that in clause 2, lines 3 to 7, for the words beginning with "in force" and ending with "are hereby repealed" the words "for a further period of one year after the dates of their expiration" be substituted.

Babu Nagendra Nath Sen moved that in clause 2, lines 3-7, for the words beginning with "in force" and ending with "are hereby repealed" the words "for a further period of two years after the dates of their expiration" be substituted.

Babu Nagendra Nath Sen moved that in clause 2, lines 3-7, for the words beginning with "in force" and ending with "are hereby repealed" the words "for a further period of three years from the dates of their respective expiration" be substituted.

Mr. Sasanka Sekhar Sanyal moved that for clause 2, the following be substituted, namely:—

"2. The Bengal Amusements Tax (Amendment) Act, namely, Act XIII of 1935, shall be continued in force, and such provisions contained in the said Act or any part thereof are to remain in force for a further period of 3 years".

Babu Khagendra Nath Das Gupta moved that after clause 2 the following clause be inserted, namely:—

"2A. After clause (*vi*) of proviso (*b*) to section 3 of the Bengal Electricity Duty Act, 1935, the following clause shall be inserted, namely:—

'(*vii*) by persons who are charged more than annas five per unit for lights and fans'."

Mr. Sasanka Sekhar Sanyal moved that the schedule to the Bill be omitted.

Mr. Dhirendra Nath Datta moved that in the schedule the entries relating to Bengal Act X of 1935 be omitted.

Mr. Dhirendra Nath Datta, Mr. Shahedali and Maulvi Abdul Hakim moved that in the schedule the entries relating to Bengal Act XI of 1935 be omitted.

Mr. Dhirendra Nath Datta moved that in the schedule the entries relating to Bengal Act XII of 1935 be omitted.

Clause 1.

The motion that clause 1 stand part of the Bill was put and agreed to.

Clause 2.

The motion that clause 2 stand part of the Bill was put and agreed to.

Clause 3.

The motion that clause 3 stand part of the Bill was put and agreed to.

Schedule.

The motion that the schedule stand part of the Bill was put and agreed to.

Preamble.

The motion that the Preamble stand part of the Bill was put and agreed to.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I beg to move that the Bengal Expiring Laws Bill, 1938, as settled in the Assembly, be passed.

The motion that the Bengal Expiring Laws Bill, 1938, as settled in the Assembly be passed was then put and agreed to.

Adjournment.

The House was then adjourned till 4-45 p.m., on Friday, the 4th March 1938, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 4th March, 1938, at 4-50 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, ten Hon'ble Ministers and 210 Members.

STARRED QUESTIONS

(to which oral answers were given)

Treatment of political prisoners in the Dacca Jail.

*138. **Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of Home (Jails) Department be pleased to state whether the attention of Government has been drawn to the statement of Sj. Suresh Chandra Basu, cousin of Dr. Bhupal Chandra Basu, a prisoner in the Dacca Jail, regarding the treatment of political prisoners in the Dacca Jail?

(*b*) Is it a fact that the prisoners who had gone on hunger-strike recently were not permitted to meet together on or about the 29th January last to discuss discontinuance of the hunger-strike?

(*c*) Is it a fact that the non-official visitor, Mr. Amulya Ratan Guha, requested the Superintendent to allow the prisoners this facility?

(*d*) What are the observations made by the non-official visitor, Mr. Amulya Ratan Guha, in the Jail Visitors' Book regarding the grievances of the hunger-strikers and the cause of the strike?

(*e*) Will the Hon'ble Minister be pleased to state—

(*i*) when was the order of Government for transfer of the political prisoners from division III to division II passed;

(*ii*) when was it communicated to the prisoners concerned; and

(*iii*) when was it actually given effect to;

(*f*) Is it a fact that some hunger-striking prisoners were made to work for several days even when they were going without food?

(*g*) Are Government contemplating an independent enquiry into the circumstances prevailing at the Dacca Jail with regard to the treatment of political prisoners immediately before and during the last hunger-strike?

Minister in charge of the HOME (JAILS) DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) to (*c*) Yes.

(*d*) Copies of relevant extracts from the Minute Book in their entirety are laid on the table of the Library. The Superintendent was correct in refusing the facility at that stage in accordance with Government Standing Instructions. On a reference to Government the necessary facilities were accorded on 1st February and subsequent days.

(*e*) (*i*) Orders on the cases of prisoners confined in the Dacca Jail were received in that jail on the evening of the 18th January, 1938.

(*ii*) On the morning of the 19th January.

(*iii*) On the same day, that is to say, two days before the late Harendra Munshi began his hunger-strike.

(*f*) and (*g*) No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the non-official visitor observed in the visitors' book that the hunger-strike was not due to any general complaint regarding release of all political prisoners, but on account of certain very specific and concrete cases of complaint of treatment in the local jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: Whatever the non-official visitor observed has already been placed on the library table in its entirety and there is nothing more to be said.

Mr. MONORANJAN BANERJI: Is the Hon'ble Minister aware that although Harendra Munshi was for a long time a division II prisoner, his division II was cancelled because he refused to salute the Superintendent by saying "Sarkar Salam".

The Hon'ble Khwaja Sir NAZIMUDDIN: I can say definitely that "Sarkar Salam" was never insisted upon at the Dacca Jail at the time when Harendra Munshi was there.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that in the non-official visitor's remark, he says that one of the grounds——

Mr. SPEAKER: There cannot be any supplementary question arising out of any remark in the visitors' book.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what action was taken on the remarks of non-official visitor where he said that one of the complaints of the hunger-striking prisoners was that they were required to say "Sarkar Salam"!

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already said that this was not so.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what action was taken on the request of the non-official visitor to allow the hunger-striking prisoners to meet together for about an hour or two so that they may discuss the possibility of giving up hunger-strike——

Mr. SPEAKER: I think I have told you more than once that the purpose of a supplementary question is to elicit information.

Dr. NALINAKSHA SANYAL: May I have the information as to what action was taken on the recommendation of the non-official visitor as recorded in the visitors' book, namely, that the prisoners be given a chance to meet for an hour or two so that they may discuss how they could give up the hunger-strike, as it was not possible individually to come to any decision?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer you to reply to question (*d*).

Mr. ATUL KRISHNA GHOSE: With reference to (*d*), is the Hon'ble Minister aware of the fact that public is strongly of the opinion that an enquiry should be held regarding the matter?

Mr. SPEAKER: That question does not arise.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state if the recommendations of the non-official visitor were given effect to?

The Hon'ble Khwaja Sir NAZIMUDDIN: Which recommendation?

Mr. BIRENDRA NATH MAZUMDAR: The recommendations that were made and recorded by him in the visitors' book.

The Hon'ble Khwaja Sir NAZIMUDDIN: Some of them were given effect to and those that were not possible could not be given effect to.

Dr. NALINAKSHA SANYAL: With reference to (*d*), will the Hon'ble Minister be pleased to state if it is a fact that because of the delay in permitting the prisoners to meet together, Harendra Munshi died?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly not.

Mr. MONORANJAN BANERJI: Is the Hon'ble Minister aware that the mother of a hunger-striking prisoner was not allowed to see him in the jail during the hunger-strike?

That Hon'ble Khwaja Sir NAZIMUDDIN: I am not awere of it.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state if he is satisfied that there is reason to make definite enquries as to the cause of the death of Harendra Munshi?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as possible, enquiries have been made and after the hunger-strike was over, the Inspector-General of Police was sent to Dacca specially to hold an enquiry, and whatever local complaints these people have got are going to be put up before the three-monthly Board for their consideration and report to Government.

Dr. NALINAKSHA SANYAL: With reference to the answer that the Hon'ble Minister was pleased to give on the floor of this House in connection with the Adjournment Motion, namely, that the prisoners were on hunger-strike not on account of local grievances, but on account of general grievances and in reference to the present answer, will he be pleased to state what action do the Government propose to take to find out who supplied the wrong information in the first case?

The Hon'ble Khwaja Sir NAZIMUDDIN: There was no wrong information at all. I gave facts and figures to his House to the effect that not even one of the hunger-striking prisoners gave local grievances as a reason for going on hunger-strike. We have got in writing from these people that their primary reason for going on hunger-strike was release and repeal of repressive laws.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if Government are prepared to allow an enquiry to be made into the death of Harendra Munshi by the members of this House?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. NARENDRA NARAYAN CHAKRAVERTY: ইন্‌স্পেক্টর জেনারেল অব্‌ প্রিজন্স নন অফিসিয়াল ভিজিটর, মিঃ অমূল্য রতন গুহর সঙ্গে দেখা করে, তাঁর কাছ থেকে ঘরেশ্বর মুন্সির হাজার খাঁইকে মৃত্যু সম্বন্ধে কিছু শুনন্ত করেছিলেন কি?

The Hon'ble Khwaja Sir NAZIMUDDIN: না।

Dr. NALINAKSHA SANYAL: Will the Hon'ble Miniser be pleased to state whether after the publication of this letter of Dr. Bhupal Chandra Basu in the Amrita Bazar Patrika, he was not allowed to see his cousin in the jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: Does this arise out of the question?

Mr. SPEAKER: Yes, I think it arises out of the question.

The Hon'ble Khwaja Sir NAZIMUDDIN: No, as long as Dr. Bhupal Chandra Basu was on hunger-strike no interview was allowed, and after a week the relations of Dr. Bhupal Basu were allowed to see him every day.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state why the Inspector-General of Police did not meet Mr. Amulya Ratan Guha and find out how he came to make these observations?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I draw the attention of the House to the fact that I never said that the Inspector-General of Police was sent to Dacca.

Mr. MONORANJAN BANERJI: Will the Hon'ble Minister be pleased to state if the relations of Dr. Bhupal Chandra Basu were allowed to see him only for seven days?

The Hon'ble Khwaja Sir NAZIMUDDIN: Permission was given up to seven days only after the hunger-strike was over.

Number of Debt Settlement Boards in Dacca district.

***139. Maulvi AULAD HOSSAIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(i) how many Special Boards under the Bengal Agricultural Debtors Act have been functioning in Dacca district; and

(*ii*) how many of them have been invested with powers under section 22 of the Bengal Agricultural Debtors Act?

(*b*) Is the Hon'ble Minister aware of the difficulty that Special Boards cannot dispose of cases for want of such power?

Minister in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) (*i*) 5.

(*ii*) None.

(*b*) No.

Officers of the Department of Agriculture.

***140. Dr. NALINAKSHA SANYAL:** (*a*) With reference to the answer to clause (*a*) of starred question No. 4 of the 7th February, 1938, will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether the following officers—Messrs. Sharangapani, Dwijadas Dutta, P. C. Chowdhury, and Sujyoti Nath Chatterjee who have for a long time been officiating in higher posts, have been reverted to the lower posts?

(*b*) With reference to the answer to clause (*b*) is the Hon'ble Minister aware that with regard to Satish Chandra Bhattacharjee there was another officer, named H. Mazumdar, who was also similarly charged on the evidence or complaint of one discharged Muhammadan officer who was a fieldman under him?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) As regards Messrs. Sharangapani, Dwijadas Dutta and P. C. Chowdhury, the answer is in the negative.

Mr. P. C. Chowdhury is an officer of the Indian Agricultural Service holding substantively the post of Deputy Director of Agriculture, Eastern Circle. He was appointed to officiate as Assistant Director of Agriculture, a post of the same grade in the same service but carrying a special pay, on the 20th April, 1937, and is still holding that post.

Mr. Dwijadas Dutta was an officer of the Bengal Higher Agricultural Service, holding substantively the post of Second Economic Botanist. He was appointed to officiate as Deputy Director of Agriculture, Northern Circle, a post of the same grade in the same service, on the 16th December, 1937. This officer retired from service from the 16th February, 1938.

Mr. S. G. Sharangapani is an officer of the Bengal Lower Agricultural Service holding substantively the post of Superintendent of Agriculture, Sugarcane. He was appointed to officiate as Second Economic Botanist, Bengal, a post borne in the cadre of the Bengal Higher Agricultural Service, on the 17th April, 1937, and is still holding that post.

Babu Sujyoti Nath Chatterjee, an officer of the Subordinate Agricultural Service, Class I, was temporarily appointed to act in the Bengal Lower Agricultural Service as Superintendent of Agriculture, Tobacco, on the 3rd March, 1936. He reverted to his substantive post on the 17th January, 1938, when the vacancy in the Bengal Lower Agricultural Service was filled up by appointment of Mr. S. C. Roy (B.Sc. Agri., Wales) on the recommendation of the Public Service Commission.

(*b*) Babu H. K. Mazumdar was not an officer of the Department of Agriculture but a temporary employee of the Indian Central Cotton Committee. He was employed on a scheme financed by the Committee in Bengal and hence came under the disciplinary control of the Director of Agriculture, Bengal.

This temporary officer was discharged by the Director of Agriculture, Bengal, for tampering with official records after a full enquiry and not merely on the evidence of a discharged Muslim fieldman.

Dr. NALINAKSHA SANYAL: I do not know whether in the absence of the Minister in charge it would be fair on my part to ask supplementary questions to the Hon'ble Minister in charge of the Home Department when they concern mainly agricultural subjects. I suppose I shall be given a chance to put those questions on another occasion.

Mr. SPEAKER: I think it would be better that these questions should be left over for the present. Does the Hon'ble Minister agree?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I cannot conceive of any supplementary questions out of it, but the hon'ble member can try.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that Mr. Sharangapani has been officiating for more than 5 years as Economic Botanist. He was at first taken as the first Economic Botanist and reverted to the Lower Agricultural Service when Dr. Hedayetulla was appointed there and the post of Hedayetulla was abolished?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is so.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether it is a fact that after this change Mr. Sharangapani has suffered some pecuniary loss?

The Hon'ble Khwaja Sir NAZIMUDDIN: That may be so.

Dr. NALINAKSHA SANYAL: With regard to Mr. P. C. Chowdhury will the Hon'ble Minister be pleased to state if Mr. Clark has been brought from Burma with an assurance that in the event of Mr. Carbery going on leave or going on retirement Mr. Carbery's place will be taken by Mr. Clark and not by Mr. Chowdhury?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that Mr. Sujyoti Nath Chatterjee has been officiating in the Higher Agricultural Service for more than 5 years and not one year as has been stated here? Formerly he was holding a temporary post in the Agricultural Service and latter on he was given to understand that he would be made permanent?

The Hon'ble Khwaja Sir NAZIMUDDIN: He was never given to understand that he would be made permanent. The post was advertised and filled up on the recommendation of the Public Service Commission.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether out of the four officers taken on the recommendation of the Public Service Commission two were by direct recruitment and two others were on departmental recommendation from the list of officers in the department, and the list in which the name of Sujyoti Nath Chatterjee appears was not sent to the Public Service Commission?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is quite possible. That does not prove anything at all.

Dr. NALINAKSHA SANYAL: With regard to Mr. H. K. Mazumdar, will the Hon'ble Minister be pleased to state whether Mr. Mazumdar at first joined the department as an officer of the Agriculture Department and then in 1934 his services were lent to the Indian Central Cotton Committee and thereafter he became a temporary officer of that Committee?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not see how a permanent officer of the department can become a temporary officer and give up the permanent job for a temporary one.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that this Mr. H. K. Mazumdar who was discharged by the Department of Agriculture was found to be innocent by the Indian Central Cotton Committee when they sent their own man to enquire into the case?

The Hon'ble Khwaja Sir NAZIMUDDIN: He was not discharged by the Department of Agriculture but by the Director of Agriculture himself.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the Indian Cotton Committee wrote to the Director of Agriculture to withdraw the stigma from this officer and the Director of Agriculture wrote back to say that they could terminate his service and not put him (the Director) to difficulty?

The Hon'ble Khwaja Sir NAZIMUDDIN: These are matters which are not within the primary responsibility of the Government of Bengal.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Mr. Dwijadas Dutta who enquired into the case at first found that Mr. Mazumdar was innocent, and Mr. Christie, the Deputy Commissioner of the Chittagong Hill Tracts, also came to the same finding and on his recommendation Mr. Rahaman, the complaining field man, was asked to leave the district?

Mr. SPEAKER: I am afraid I can only allow a certain amount of questions with a view to eliciting information, but it seems to me that the answers to all the questions that you have put are perfectly known to you. Is it any use simply to ask the Hon'ble Minister if he is aware of the facts that you know of? If you want to have any definite information that is a different matter, but every question you have put shows as if the answer is known to you already.

Dr. NALINAKSHA SANYAL: The Hon'ble Minister has said that Mr. H. K. Mazumdar was discharged by the Director of Agriculture after a full enquiry. I submit that in course of that enquiry certain things happened, namely, that Mr. Dwijadas Dutta was first asked to enquire into the matter. Is it a fact? That is what I want to know.

Mr. SPEAKER: I am afraid, if this House is going to be a Tribunal to decide the details of the administrative arrangements, it will be very difficult for the House. I do not want to shut out legitimate questions, though.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether the Department of Agriculture contemplate superseding the claims of an Indian in favour of a European from Burma for the post of Director of Agriculture?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is a hypothetical question.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that on the case of Mr. H. K. Mazumdar hangs the case of Mr. S. C. Chakrabarty who was also dismissed and when Mr. H. K. Mazumdar's case was found by the Indian Central Cotton Committee to be something different from what the Director of Agriculture took it for, is the Government prepared to revise its decision in regard to Mr. S. C. Chakrabarty?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is giving a wrong impression to the House to state that Mr. Harendra Kumar Mazumdar was discharged merely on the evidence of the Mussalman field man. Mr. Mazumdar's case was gone into fully by the Director of Agriculture and amongst other evidences one of the evidence was from this person and taking every fact into consideration, the Director of Agriculture came to the conclusion that Mr. Mazumdar was guilty of the offence on which he was charged and he dismissed Mr. Mazumdar.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the Director of Agriculture never enquired into the case himself but deputed Mr. Dwijadas Datta to enquire into it?

Mr. SPEAKER: I am afraid, you are giving out all the information which you require. To put it in proper form you should couch it in quite a different language.

Dr. NALINAKSHA SANYAL: All right, Sir, I will put my question in this way. Will the Hon'ble Minister be pleased to state who actually investigated the case?

The Hon'ble Khwaja Sir NAZIMUDDIN: It makes no difference who investigated the case. Orders were passed by the Director of Agriculture after taking into consideration the reports of all the investigating officers and on the reports and materials that were placed before him.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state if the Director of Agriculture actually investigated the case himself?

The Hon'ble Khwaja Sir NAZIMUDDIN: He came to his decision on the records that were placed before him and on the facts and materials which came to light as a result of those investigations.

Mr. SARAT CHANDRA BOSE: I submit, Sir, that this is not a proper question to my answer. My question was very pointed: did the Director of Agriculture himself investigate the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is investigation when an officer goes into all the records and reports and then comes to a decision on the reports of the investigating officers though he may not investigate himself. This may be described as investigation by the officer himself.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state who is the officer who actually enquired in the locality?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, this is not relevant, and what is more, Government do not give out reports submitted by departmental officers in cases of enquiry.

Mr. JOGESH CHANDRA GUPTA: On a matter of privilege, Sir. It is not the business of the Hon'ble Minister to say that my question is not relevant. Of course he is entitled to say that he will treat the information as confidential. But is he in order when he says that my question was not relevant?

Mr. SPEAKER: When questions are admitted it is not for me to say how the answers thereto should be couched, but when Government do give answers regarding departmental matters, I entirely agree with Mr. J. C. Gupta that the question of relevancy hardly comes in. But it is open to Government to treat any information confidential.

Mr. ABDULLA-AL-MAHMOOD: With regard to the last portion of the answer, will the Hon'ble Minister be pleased to state if the Government propose to take any action under the Criminal Procedure Code against this officer?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated that this officer was not appointed by this Government.

Annual revenue payable by the landlords for the pargana "Noor Nager" in Tippera.

*141. **Mr. MAQBUL HOSAIN:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*a*) the total amount of annual revenue payable by the landlords for the *pargana* "Noor Nager" in the district of Tippera;

(*b*) the total amount of annual rents realised by the landlords from the tenants and the tenure-holders in the said *pargana* separately;

(*c*) the total amount of annual road cess realised by the landlords from their tenants and tenure-holders in the said *pargana* separately;

(*d*) the total amount of annual road cess paid by the landlords for the said *pargana*; and

(*e*) the total amount of annual *uttarayana* (a kind of subscription) realised by the Tippera State from the tenants and the tenure-holders in the said *pargana*?

Minister in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): There are no public records from which the information asked for can be complied.

Mr. RADHANATH DAS: With reference to question (*a*), will the Hon'ble Minister be pleased to state if any account is kept by the Revenue Department of this Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, in order to answer this question, I would like to know what is meant by the word "account".

Mr. RADHANATH DAS: I wanted to know, Sir, whether any account books or records are kept by the Revenue Department of this Government.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, there are no account books kept with reference to a pargana.

Appointments in the Public Health and Local Self-Government Department.

*142. **Mr. MD. ABUL FAZL:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the total number of appointments made in the various departments and branches under his charge since the 1st April, 1937; and

(*b*) the number of Mussalmans among them?

Minister in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Syed Nausher Ali): The information required is not available in the Secretariat and reference has been made to the heads of departments and institutions. The information will be supplied to the member as soon as the materials are available.

Grants-in-aid to high schools in the Katwa subdivision in Burdwan.

*143. **Maulvi MD. ABDUR RASHEED:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) how many high English schools are there in the Katwa subdivision in the Burdwan district; and

(*b*) how many of them get Government grant-in-aid?

Minister in charge of the EDUCATION DEPARTMENT (the The Hon'ble Mr. A. K. Fazlul Huq): (*a*) 9 and (*b*) 3.

Grants-in-aid to the high schools in Burdwan.

*144. **Maulvi ABUL HASHIM:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) how many high English schools are there in Burdwan district; and

(*b*) how many of them get Government grant-in-aid?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) 57 and (*b*) 19.

Maulvi ABUL HASHIM: Is the Hon'ble Minister aware that in the whole district of Burdwan there is not a single Government school or college or hostel either for boys or girls?

The Hon'ble Mr. A. K. FAZLUL HUQ: No hostels! All right, Sir, as regards a hostel I shall make enquiry, as also about the school and college.

Recruitment of Assistant Head Masters.

*145. **Mr. BIRENDRA KISHORE RAY CHOUDHURY:** Will the Hon'ble Minister in charge of the Education Department be pleased to lay a statement on the table showing, year by year, for the period from 1930 to 1937—

(*a*) how many Assistant Head Masters have been appointed direct;

(*b*) how many from Assistant Masters recommended for promotion;

(*c*) how many of these two groups of recruits are (1) Hindus and (2) Muhammadans; and

(*d*) what are the qualifications of each one of them?

The Hon'ble Mr. A. K. FAZLUL HUQ: Statements are placed on the Library table which furnish the information.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if it is the rule that one permanent vacancy in every five in the post of assistant masters of high schools shall be filled by selection?

The Hon'ble Mr. A. K. FAZLUL HUQ: There is no hard and fast rule, but that is what is generally done.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if in the year 1937 there was no appointment by promotion, but that there were four direct appointments, which were previously used to be made entirely by promotion?

The Hon'ble Mr. A. K. FAZLUL HUQ: The list which has been laid on the library table shows that in the year 1937 there were four appointments made, of which two went to Hindus and two to Muhammadans. Nothing is mentioned there whether they were selected or promoted.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that in 1937 there was no appointment by promotion at all?

Mr. SPEAKER: That appears to be a mistake.

Mr. DHIRENDRA NATH DATTA: Then it amounts to an infringement of the rules, because there were no appointments made by promotion.

Mr. SPEAKER: That question does not arise, because the Hon'ble Minister has said that there is no hard and fast rule.

Pay of the clerks and muharrirs of the Registration Department.

*146. **Mr. SYED ABDUL MAJID:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) whether it is a fact that the scale of pay of the clerks and *muharrirs* of the Registration Department is below that enjoyed by their brother officers in the other branches of the Government departments;

(*b*) if so, what are the reasons for the differential treatment;

(*c*) whether the Hon'ble Minister received representations on behalf of the employees of the Registration Department of various districts including Noakhali for a sifting enquiry into the grievances of the employees of the department with a view to ameliorate the condition of the services; and

(*d*) if so, whether the Hon'ble Minister considers it desirable to take action in the matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The pay of the clerks and *muharrirs* of the Registration Department is lower than that of other offices, e.g., the Collector's office and the District Judges' office.

(*b*) The question is under the consideration of Government.

(*c*) Yes.

(*d*) The grievances represented by the employees of this department are being investigated.

Mr. NAGENDRA NATH SEN: With reference to answer (*d*), will the Hon'ble Minister be pleased to state how long this investigation is going on?

The Hon'ble Mr. A. K. FAZLUL HUQ: The representations were received about two months ago now and they have been forwarded to the districts and reports are being awaited.

Mr. SHAH ABDUR RAUF: Is the Hon'ble Minister aware that illegal gratifications are demanded by the clerks and mohurrirs of mufassal sub-registry offices?

Mr. SPEAKER: That question does not arise.

Trained teachers for primary schools in the district of Mymensingh.

***147. Maulvi MUHAMMAD ISRAIL:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether any scheme for increasing the supply of trained teachers in the district of Mymensingh has been prepared and transmitted to the Director of Public Instruction under section 23 (*1*) (*b*) of Bengal (Rural) Primary Education Act, 1930?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the scheme has been administratively approved and provision made for it in the budget of 1938-39?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) the number of primary scholarships under the new scheme; and

(*ii*) whether the Government contemplate increasing the grants-in-aid of those high English and middle English schools and high and junior *madrasahs* which joined the free scheme to make up the loss of fees caused thereby?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) and (*b*) A scheme for the opening of a number of temporary Government training classes for the training of teachers for primary schools in certain districts including Mymensingh and for maintaining those classes for a period of five years with a view to turn out the requisite number of trained teachers in each district has been approved and provision for necessary funds has been included in the budget.

(*c*) (*i*) The question of distribution of primary scholarships is now under consideration.

(*ii*) Secondary schools and *madrasahs*, the primary sections of which have been proposed as primary schools within the scheme, will be given monthly grants by the District School Board if the school authorities ask for such grants.

For additional grants from Provincial revenues to such secondary institutions, each case will be examined on its own merits.

Khan Sahib HAMIDUDDIN AHMED: With reference to answer (*c*) (*ii*), will the Hon'ble Minister be pleased to state whether the Government is aware that the proposed grants by the District School Boards will be insufficient to compensate the loss of every school or madrassah that adopts the primary school scheme for the lower classes?

The Hon'ble Mr. A. K. FAZLUL HUQ: A scheme for introducing primary education under the 1930 Act has just been started in Mymensingh. Complaints of the character referred to by the hon'ble member have been received, but it is difficult at the present moment to forecast what will be the effect of the introduction of the scheme under the Act and it is difficult for me to say what the reactions will be on the existing schools.

Maulvi MUHAMMAD ISRAIL: With reference to question (*a*), will the Hon'ble Minister be pleased to state the number of training classes that will be opened in the district of Mymensingh and the number of teachers that may be trained in those training classes?

The Hon'ble Mr. A. K. FAZLUL HUQ: I ask for notice. I cannot give the number off-hand.

Mr. PROMATHA RANJAN THAKUR: With reference to answers (*a*) and (*b*), is it possible for the Hon'ble Minister to name the other districts over and above Mymensingh?

The Hon'ble Mr. A. K. FAZLUL HUQ: Dacca, Pabna, Tippera and some others.

Maulvi MUHAMMAD ISRAIL: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether the decision of Government as to the distribution of primary scholarships will be arrived at very shortly so that they may be enjoyed during the current financial year?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is very difficult to say. As a matter of fact, I may mention for the information of the House that all primary schools under the new scheme will have a four years' course, there will be no lower primary schools, and the lower primary scholarships so long payable will have to be abolished. The number of

primary final scholarships will be increased out of the money thus saved. It is not possible at this stage to say definitely the exact number of primary scholarships under the new scheme in the district of Mymensingh.

Inspection report on the Tamluk Local Board.

*148. **Dr. GOBINDA CHANDRA BHAWMIK:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether Mr. D. M. Bhattacharya inspected the Tamluk Local Board on the 4th and 5th October and submitted any report?

(*b*) If so, whether the copy of the report will be placed before the members of the Assembly?

(*c*) Whether the Government intend to take any steps on the basis of the report?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) Mr. D. M. Bhattacharya, Chairman, District Board, Midnapore, inspected the Local Board on the 4th and 5th October, 1937, and recorded a note of inspection.

(*b*) and (*c*) The matter is under the consideration of the District Board and it is not proposed to lay a copy of the inspection note on the table or to take any steps until the matter comes up to Government.

Mr. ISWAR CHANDRA MAL: Is it not a fact that Babu Sasadhar Das, Vice-Chairman of the Tamluk Local Board, was forced to resign?

The Hon'ble Mr. SYED NAUSHER ALI: I understand the Vice-Chairman has resigned, but I am not aware that he has been forced to resign.

Appointment of Mussalman candidates as Sub-Assistant and Assistant Surgeons.

*149. **Khan Bahadur Maulvi JALALUDDIN AHMAD:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state the number of Mussalman candidates employed as Sub-Assistant Surgeons and Assistant Surgeons, year by year, for the last ten years?

The Hon'ble Mr. SYED NAUSHER ALI: A statement is laid on the table.

Statement referred to in the reply to starred question No. 149.

NUMBER OF MUSSALMAN CANDIDATES EMPLOYED DURING THE LAST TEN YEARS.

Assistant Surgeons.

Year.			Permanent.	Temporary.
1928	..	..	2	..
1929	..	..	2	..
1930	..	..	3	1
1931	..	..	..	..
1932	..	..	6	1
1933	..	..	..	..
1934	..	..	2	2
1935	..	..	..	3
1936	..	..	4	3
1937	..	..	3	3

Sub-Assistant Surgeons.

1928	..	..	..	..
1929	..	..	..	1
1930	..	..	6	2
1931	..	..	1	2
1932	..	..	1	3
1933	..	..	2	3
1934	..	..	3	..
1935	..	..	2	5
1936	..	..	2	..
1937	..	..	..	4

Khan Bahadur Maulvi JALALUDDIN AHMAD: With regard to appointments made in 1937, will the Hon'ble Minister be pleased to state out of how many appointments these three appointments were made?

The Hon'ble Mr. SYED NAUSHER ALI: I would ask for notice.

Post of Registrar in the Finance Department.

*150. **Maulvi MUHAMMAD MOZAMMEL HUQ:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether it is in the contemplation of the Finance Department—

(*a*) to abolish the post of its Registrar;

(*b*) to create the post of a Second Assistant Secretary in its place; and

(*c*) to bring in an outsider Hindu for the new post?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) I am aware of no such proposal.

(*b*) and (*c*) Do not arise.

Co-operative Inspectors.

*151. **Maulvi ABDUL BARI:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*a*) how many Co-operative Inspectors have been appointed this year;

(*b*) how many of these have been appointed from the districts of West Bengal;

(*c*) how many of these referred to (*b*) are Muhammadans; and

(*d*) how many of them are from the district of Murshidabad?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The hon'ble member is referred to the answer given at the current session of the Assembly to starred question No. 52 on the subject.

Grant-in-aid to the high English schools and the deprovincialisation of Government High English schools.

*152. **Mr. SYED ABDUL MAJID:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the number of aided high English schools in the province;

(*ii*) the total grant made to the high English schools in Bengal; and

(*iii*) whether any principle is followed in making grants to the high English schools?

(*b*) Is the Hon'ble Minister aware that at the present time in almost all districts there are private schools?

(*c*) If the answer to (*b*) is in the affirmative, are the Government considering the desirability of not maintaining Government high English schools any more?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) 503.

(*ii*) Rs. 9,13,598.

(*iii*) Yes, the principles laid down in Government Order No. 809T.—Edn., dated the 14th June, 1927, as well as the rules of grant-in-aid laid down in Chapter VIII of the Bengal Education Code, 1931, are followed in making grants to the high English schools.

(*b*) Yes.

(*c*) The question of deprovincialisation of high English schools arose out of the recommendation of the Retrenchment Committee. This matter was considered by the former Government and was ultimately dropped, but the question is now being reconsidered in connection with the contemplated Secondary Board Scheme.

Khan Bahadur MOHAMMED ALI: What is the amount spent for Government High Schools?

The Hon'ble Mr. A. K. FAZLUL HUQ: I ask for notice.

Earmarked lower division assistants in the Finance Department for promotion to the upper division.

*153. **Maulvi MUHAMMAD MOZAMMEL HUQ:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state whether any lower division assistants have been earmarked in the Finance Department for promotion to the upper division since 1st April, 1937?

(*b*) If so, how many of them are—

(*i*) Hindus; and

(*ii*) Muslims?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) Yes.

(*b*) (*i*) Five.

(*ii*) Nil.

Al-Haj Maulana Dr. SANAULLAH: Will the Hon'ble Minister be pleased to state the reasons why there is not a single Moslem among those earmarked for promotion from the Lower Division to the Upper Division?

The Hon'ble Mr. NALINI RANJAN SARKER: The list is subject to annual revision. This year there were no Moslem candidates. Next year it may be that Moslem candidates will be available. This earmarking is done for filling up certain leave vacancies.

Inundation of certain villages in Asansol (Burdwan) by the Damodar River.

*154. **Mr. BANKU BEHARI MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state whether he is aware that the villages Silampur Ketan, P. S. Kaksa; Nadiha, P. S. Faridpur; Madanpur, Kaba, P. S. Ondal; Napur, Ballavpur, P. S. Raniganj; of Asansol Subdivision were washed away by the Damodar River?

(*b*) If the answer to (*a*) is in the affirmative what steps are the Government going to take to save those villages from flood?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Srischandra Nandy, of Kasimbazar): (*a*) The villages mentioned were severely damaged by the flood of 1935.

(*b*) No *ad hoc* protective measure is possible. The problem is part of the bigger problem of preventing ravages by the floods on both sides of the river and is likely to be solved when the scheme for having a reservoir in the upper reaches of the river materialises.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether it is possible or feasible to render any help from the Famine Insurance Fund under the circumstances?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: That is more than I can say.

Earmarked lower division assistants in the Communications and Works Department for promotion to the upper division.

*155. **Maulvi MUHAMMAD MOZAMMEL HUQ:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether any (excepting the assistant

transferred from the Local Self-Government Department for Road Development Work) assistants in the lower division in the Communications and Works Department were earmarked and have been promoted to the upper division from 1st April, 1937?

(*b*) If so, how many of them are—

(*i*) Hindus; and

(*ii*) Muslims?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) and (*b*) One lower division assistant, who is a Hindu, has been promoted to the upper division since the 1st April, 1937.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether there are any Muhammadans considered to be fit for promotion to the Upper Division?

The Hon'ble Maharaja SRISCHANDRA NANDY, of Kasimbazar: I think there was one temporary promotion of a Muslim officer from the Lower to the Upper Division.

Constitution of the District School Board of Mymensingh.

*156. **Mr. MONOMOHAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the total number of members belonging to the caste Hindus, Scheduled Castes and the Muhammadans in the District School Board and in the local sub-committees thereunder in the district of Mymensingh.

(*b*) If the number of Scheduled Caste members are not in proportion to their population, is the Hon'ble Minister considering the desirability of taking steps to make up the deficiency by taking more Scheduled Caste members in the District School Board and in each of the local sub-committees thereunder?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The present constitution of the District School Board, Mymensingh, is—

(1) 14 *ex-officio* members,

(2) 10 elected members, and

(3) 6 appointed members.

Ex-officio members are members of the School Board by virtue of the offices they hold and as changes in the personnel are not infrequent, Government are not in a position to state definitely what the caste or creed of the *ex-officio* members may be from time to time.

The elected members are all Moslems; of the appointed members two are Christians, two Moslems and two are appointed by virtue of their offices, viz., the Assistant Inspectress of Schools, Mymensingh, and one of the Sadar Subdivisional Officers.

The local sub-committees are appointed by the School Board in terms of section 19 (*1*) (*v*) of the Act and Government have no information about the constitution of such committees.

(*b*) The Act does not provide for the appointment or election of members of a particular community in proportion to their population to a District School Board which consists of—

(1) *ex-officio* members,

(2) elected members; and

(3) appointed members.

It is not, therefore, possible for Government to take any particular steps to ensure the return of members of Scheduled Castes in a District School Board in respect of *ex-officio* members or elected members. Government will however duly take into consideration when the Board is reconstituted this year the interests of the Scheduled Castes while appointing members to the District School Board, Mymensingh, under section 6 (*h*) of the Act.

The local sub-committees are appointed by the School Board in terms of section 19 (*1*) (*v*) of the Act and Government cannot interfere with the decision of the School Board in the appointment of such committees.

Mr. MONMOHAN DAS: With reference to answer (*a*), will the Hon'ble Minister be pleased to state why out of the four members 2 are Muhammadans and 2 Christians and why none of the scheduled castes were taken?

The Hon'ble Mr. A. K. FAZLUL HUQ: I may mention for the information of the House that the District School Board of Mymensingh was constituted nearly four years ago. Although the Board was constituted, the cess was not imposed. Now that the cess has been imposed and the term of that Board is over, a new Board is going to be constituted. Government will take into consideration the claims of the scheduled castes and will see that they are properly represented.

Strength of the clerical establishment in the Dacca Collectorate.

***157. Maulvi MUHAMMAD ABDUL HAKIM VIKRAMPURI:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the number of upper and lower division clerks in the Collectorate and Magistracy of Dacca;

(*ii*) the number of Muhammadan upper and lower division clerks therein; and

(*iii*) the number of Mussalman Sheristadars and head clerks in the district?

(*b*) Is the Hon'ble Minister considering the desirability of issuing a circular order to the District Magistrates and Collectors to increase the number of Muhammadan officers as clerks, head clerks and Sheristadars?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) A statement is laid on the table.

(*b*) Promotions to upper division posts are made with regard to merit and seniority only. No communal percentage is prescribed for such promotions. The question of communal percentage in public services is at present under consideration of Government.

Statement referred to in the reply to clause (*a*) (*i*) *to* (*iii*) *of starred question No. 157.*

	Upper division.		Lower division.	
	Permanent.	Temporary.	Permanent.	Temporary.
(i) ..	17	1	154	48
(ii) ..	5	Nil	67	14

(*iii*) There is only one Sheristadar in the district who is a non-Muslim.

All the 5 upper division Muslim clerks are departmental head clerks.

Mr. ABDUL WAHAB KHAN: On whose recommendation is a Lower Division clerk promoted to the Upper Division?

Mr. SPEAKER: That question does not arise.

Mr. ABDUL KARIM: Will the Hon'ble Minister be pleased to state if there is a definite standard and criterion for merit?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I hope there is.

Appointments made in the Forest and Excise Department since 1st April, 1937.

*158. **Mr. MD. ABUL FAZL:** Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(*a*) the total number of appointments made in the various departments and branches under his charge since 1st April, 1937;

(*b*) the number among them who are—

(*i*) Muslims, and

(*ii*) Scheduled Castes?

MINISTER in charge of the FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): The answer cannot be furnished at such short notice without reference to local officers who have been written to in the matter. It will be supplied as quickly as possible on hearing from them.

Mr. MD. ABUL FAZL: Will the Hon'ble Minister be pleased to state if the information will be supplied during the course of this session?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I cannot say definitely; it will be done as soon as possible.

Grant of khas mahal lands for religious or charitable purposes.

*159. **Maulvi MD. ABDUR RASHEED:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether Government *khas mahal* lands have been granted, free of rent or at nominal rent, within the last three years, for the construction or extension of *mandirs*, mosques or churches or for any other charitable or religious purposes in any of the districts?

(*b*) If so, the name of the district or districts and the purpose for which granted?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) A statement is placed on the table.

Statement referred to in the reply to question No. 159.

District.	Year.	Purpose.
Bakarganj ..	1935	Extension of the Char Fasson Dispensary.
Jalpaiguri ..	1936	Construction of quarters for nurses and menials of the Sadar Hospital.
Khulna ..	1936	Ghatbhog Dispensary.
Dacca ..	1936	Old mosque relinquished to the local mosque committee.
Noakhali ..	1936	Construction of the dispensary building at Burirchar.
Midnapore ..	1936	Griffiths Charitable Leper Hospital and Clinic in *mauza* Barapathar.
Jalpaiguri ..	1937	Construction of staff quarters and an X-ray building for the Sadar Hospital.
Ditto ..	1937	The land of the old *kalibari* existing at Bhatibari Hat was settled with the local committee.
Noakhali ..	1937	Extension of the mosque at Feni.
Ditto ..	1937	Extension of the *kalibari* at Feni.
Bakarganj ..	1937	Construction of a Baby Clinic and a children's playground at Barisal.
Darjeeling ..	1937	Monastery at Ging.

Maulvi ABUL HASHIM: Will the Hon'ble Minister be pleased to state if it is a fact that the Muhammadans of Burdwan submitted a petition to the Government praying for the grant of khas mahal lands for the extension of the Burdwan Civil Court Mosque, and that the petition was rejected?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I ask for notice.

Appointments of Inspectors and Auditors of Co-operative Societies from Burdwan, Presidency and Rajshahi Divisions.

***169. Maulvi MD. ABDUR RASHEED:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*a*) how many Inspectors of Co-operative Societies and Auditors were appointed between 1st April, 1937, and 31st January, 1938;

(*b*) how many Inspectors and Auditors were appointed from Burdwan, Presidency and Rajshahi Divisions; and

(*c*) how many Inspectors and Auditors from Burdwan Division alone?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The hon'ble member is referred to the answer to starred question No. 52 given at the current session of the Assembly.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Acquisition of land for the Narayanhat Forest station.

38. Al-Haj Maulana Dr. SANAULLAH: Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(*a*) the exact date when the site for the Narayanhat forest station in Chittagong was acquired;

(*b*) when the bungalow was constructed;

(*c*) when the price of the acquired plot was actually paid to the proprietor of the land; and

(*d*) when his residential house was demolished?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) The Forest Department took possession by amicable settlement with the owners on the 16th February, 1937, but acquisition under Land Acquisition Act was sanctioned in September, 1937.

(*b*) The building was constructed in February and March, 1937, with permission of owners.

(*c*) Price has not yet been paid, but will be paid within 1937-38.

(*d*) The owners removed their horses during the 3rd week of February, 1937.

Al-Haj Maulana Dr. SANAULLAH: Is the Hon'ble Minister aware that the Chittagong Forest Department is notorious for its——

Mr. SPEAKER: That question does not arise. What is your specific question however?

Al-Haj Maulana Dr. SANAULLAH: Does the Hon'ble Minister propose to appoint an impartial enquiry committtee consisting of officials and non-officials to enquire into the serious irregularities?

The Hon'ble Mr. PRASANNA DEB RAIKUT: No, the whole matter is under consideration of the Government.

Number of cases in civil courts in Bengal excluding Calcutta.

37. Maulvi MUHAMMAD ISRAIL: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to lay on the table a statement showing—

(*i*) the number of—

(1) Civil suits,

(2) Miscellaneous suits,

(3) Execution suits,

in Bengal excluding Calcutta for the years 1935, 1936 and 1937;

(*ii*) the number of civil suits—

(1) rent,

(2) money,

(3) mortgage,

(4) small causes court executions, and

(5) other class,

for the years 1934, 1935, 1936 and 1937 in the Kishoreganj, Jamalpur, Sadar, Netrokona, Tangail, Sherpur, and Bajitpur Munsifs' and Sub-Judges' Courts of Mymensingh?

(*b*) Is it a fact that by the establishment of Debt Settlement Board, the works of the civil courts have been diminished?

(*c*) If so, are the Government considering the desirability of reducing the number of Munsifs and Sub-Judges?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENTS (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) (*i*) and (*ii*) Statements are laid on the table. The figures for 1937 are not yet available.

(*b*) Government is watching the situation, the new Act mainly affects the work in Munsifs' Courts; figures have been collected which show that the total number of cases (instituted) in Munsifs' Courts was

1,332,000 in 1936 and has dropped to 1,257,000 in 1937. Generally speaking there has been an increase in West Bengal districts and a decrease in East and North Bengal districts.

(*c*) The member is referred to my reply to a similar question No *57 asked in this session by Mr. Syed Abdul Majid.

Statements referred to in the reply to clause (*a*) (*i*) *and* (*ii*) *of unstarred question No. 37.*

The figures for disposal are as follows:—

	Civil suits.	Miscellaneous cases.	Execution cases.
(*a*) 1935 ..	761,048	106,657	546,338
1936 ..	744,322	106,651	563,999

	Civil suits.	Execution cases.	Total.
(*b*) 1934 ..	74,339	50,269	124,608
1935 ..	68,679	55,404	124,083
1936 ..	73,286	60,862	134,148

Maulvi MUHAMMAD ISRAIL: With reference to answer to question (*b*), will the Hon'ble Minister be pleased to state whether the increase in the number of Munsif's Courts cases in West Bengal is due to the fact that sufficient number of Debt Settlement Boards have not been established there?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: May be.

Playground for the Chatkhil Panchgaon Gupta School, Noakhali.

38. Mr. SHAH SYED GOLAM SARWAR HOSAINI: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that there is a Muslim graveyard just by the eastern side of the Chatkhil Panchgaon Gupta High School under the police-station Ramganj in the district of Noakhali;

(*ii*) that the Government have decided to acquire this particular plot of land for the playground purpose of the said school; and

(iii) that there is a feeling among the Mussalmans over the proposed acquisition?

(b) If the answer to (a) is in the affirmative, are the Government considering the desirability of not acquiring that plot of land? If not, why not?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) Government have no such information.

(i) to (iii) and (b) There is a proposal for acquiring 4 plots of land on the eastern side of the Chatkhil Panchgaon Gupta High School. These plots, so far as is known at present, do not contain any graveyard. Objections under section 5A of the Land Acquisition Act have been invited as usual. If in the course of enquiry under that section it transpires that there is any graveyard in the land the question of its exclusion will be considered by Government.

Authenticated Schedule.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, under the terms of sub-section (2) of section 80 of the Government of India Act, 1935, I beg to lay before the House a supplementary schedule of expenditure for the year 1937-38 authenticated by His Excellency the Governor on the 25th February 1938.

(The Hon'ble Minister handed the authenticated schedule over to Mr. Speaker.)

GOVERNMENT BILL.

The Bengal Public Demands Recovery (Amendment) Bill, 1937.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to introduce the Bengal Public Demands Recovery (Amendment) Bill, 1937.

The Secretary then read the short title of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the said Bill be taken into consideration.

Sir, this is a very simple measure, and it is in the interest of the agriculturists. In order to provide them with sufficient credit facilities, Government have already established five land mortgage banks in different districts and they proposed to guarantee interest charges on those five land mortgage banks to the extent of 12½ lakhs of rupees. It is therefore necessary that Government should be armed with

sufficient powers to secure prompt realization of the dues. Sir, in all the other Indian provinces the dues of the land mortgage banks are realized under the Public Demands Recovery Act. The proposal in this Bill is to extend the same facilities to the co-operative credit societies and land mortgage banks of Bengal.

Rai HARENDRA NATH CHAUDHURI: Only land mortgage banks of Bengal and not co-operative societies:

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg your pardon, to land mortgage banks of Bengal. Now, if the dues are not realized, and if Government are not given facilities as in other provinces, they will find it difficult to guarantee the interest charges. The Co-operative Department circulated in November last a memorandum stating very clearly the necessity of this power, and that memorandum definitely states the object of this measure.

First of all I may point out that uncertainty and expense of recovery of the dues through the Civil Court is undesirable, and I hope the House will admit that it is a great handicap so far as the land mortgage banks are concerned. Now the co-operative banks charge interest at 5 per cent. and if the debentures can be floated at 3 per cent. by them, it will be possible for the land mortgage banks to lend money to agriculturists at a lower rate of interest. So that it is definitely to the advantage of the borrowers. The object of the land mortgage bank is well known to the members of this House. It will offer the agriculturists long term credit facilities in order to enable them to pay up their old debts.

Sir, there are three classes of borrowers, one who can pay but are not willing to pay regularly, the second class can pay, but it is beyond their capacity due to circumstances to pay, and there is the third class who can pay and are willing to pay. Those who are not in a position to pay due to circumstances beyond their control will be treated sympathetically. Those who are in a position to pay, but are not willing to pay are the only persons who need have anything to fear from these special powers. And those who are in a position to pay and are willing to pay have nothing to do with the proposal now before the House.

With these few words, Sir, I beg to commend my motion to the acceptance of the House.

Mr. NAGENDRA NATH SEN: On a point of information, Sir. Will the Hon'ble Minister please state what he means by the use of the words "uncertainty and undesirability of realization through the Civil Courts"?

Mr. SPEAKER: I do not think that is a point of information.

Dr. MALINAKSHA SANYAL: Sir, will you allow amendments to be moved first or the considerations to be discussed first?

Mr. SPEAKER: Unless these amendments are moved considerations cannot come in.

Rai HARENDRA NATH CHAUDHURI: Sir, there are two classes of amendments, amendments to the motion and amendments to the provision. First amendments to the motion have got to be moved and then considerations about the amendments to provisions will come in.

Maulvi ABU HOSSAIN SARKAR: Sir, I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July 1938.

In moving this, Sir, I must say that the present Government and its followers both inside and outside this House have made a complete somersault with respect to the Public Demands Recovery Amendment Act. At the time of moving my Bill for amending that Act I quoted extensively, what Mr. Tamizuddin Khan and Mr. Abdul Bari said about the rigours of the certificate—

Mr. SPEAKER: What has that got to do with the circulation motion? I am afraid I will not any more be a party to any recrimination between one party and the other unless that is strictly necessary. I hope you will strictly confine yourself to the reason as to why you think that the circulation motion should be accepted by the House.

Maulvi ABU HOSSAIN SARKER: Now, Sir, I place before this House what position Government took with respect to this Certificate Procedure during the last session. The Premier made declaration on behalf of Government with respect to this particular Act, and he said "I wish only to emphasise the fact that in course of discussion a good deal of time has been devoted to a narration of incidents of oppression committed in the execution of the Certificate Procedure Act. To repeat this is hardly necessary. They are so well-known that there can be no dissentient voice in that the Certificate Procedure acts very harshly on debtors." Encouraged by this assertion of the Government I moved my Bill for amending the Public Demands Recovery Act but then the Government opposed it and sent it for re-circulation. Hardly two days have since passed when the very Government is bringing a Bill to extend the operations of that Act to another branch of our governmental departments which affects the agriculturist very

much. I submit, Sir, the Government made a complete somersault, but there is nothing to wonder at it. The Cabinet as it is composed now, cannot but take that position. It is composed of the aristocratic Zemindars——

Mr. SPEAKER: Order, order. I did give a warning before not to pass such remarks and I now think that I should keep control over the House. I will not allow recrimination between the different parties unless it is strictly necessary. I do not think it has anything to do with the motion before the House. You can certainly discuss that on suitable and relevant occasions, but not now. I hope you will please confine yourself to the need for circulation.

Maulvi ABU HOSSAIN SARKER: And we must be prepared for the change of front.

Mr. ABDUR RAHMAN SIDDIQI: On a point of order Sir. In order to strengthen my argument on any point if I can bring in the psychology of Government and the composition of the Ministry behind it, I think it should be considered; it is quite parliamentary.

Mr. SPEAKER: I do realise, Mr. Abdur Rahman Siddiqi, that it it quite parliamentary, but at the same time it is quite parliamentary for the Speaker to keep control over the House, otherwise it would be impossible for the House to carry on the work. For the last few days, I have been noticing that from the left wing recrimination begins, and it is retorted back by the right wing and the situation comes to such a pass that unless we are prepared to take a definite step towards it, and I appeal to all sections of the House—it would be impossible to carry on our deliberations with decorum and dignity. I do not wish to stand in the way of exercising the legitimate rights of every member to criticise the Government more than even they desire, but I would certainly appeal to the members to see that all matters are strictly confined to the relevant issues.

Rai HARENDRA NATH CHAUDHURI: More often the right wing starts recrimination and the left wing follows.

Mr. SPEAKER: Yes. That may be so. When I named the left wing, that is merely an illustration of any one side,—right or left. I did not mean any one group particularly. It may be the right, it may be the left or *vice versa*.

Mr. SANTOSH KUMAR BASU: On a point of order, Sir, if by "Left" you referred to the Congress Benches,——

Mr. SPEAKER: Mr. Basu. I think that, after all I have said just now, that does not arise.

Maulvi ABU HOSSAIN SARKER: Even with respect to the very Bill, I submit that last year the Hon'ble the Revenue Minister circulated it and I think it was in his mind to bring in this Bill in the last session, but as the matter stood then, some of the members of the coalition party including ourselves opposed, and it was dropped at that time. It is said, Sir, that inscrutable are the ways of God, but I do not understand how the present ministry who are described by some of the Calcutta Papers as tin-Gods, can have an inscrutable way of mending the situation could create a situation even before six months passed that they dared to bring this Bill again before this House.

Now, Sir, as to the merits of the Bill, I submit that it is meant not so much for the benefit of the agriculturist as it is supposed to be, but it is for the interest of the so-called debenture holders, who will buy their debentures and who are moneyed men, Mahajans and moneylenders. This position was made clear in the statement of "Objects and Reasons" by the Hon'ble the Revenue Minister. He says "to make the debentures more attractive to the public by ensuring the safety of investment as far as possible, it is desirable that the Public Demands Recovery by the Certificate Procedure should be extended to the Co-operative and Land Mortgage Banks". Again, Sir, the Government has issued a propaganda circular immediately after the last session was over, canvassing for this particular Bill. Then also it was said by the department that Government could not guarantee the principal or interest of any debentures that may be issued to provide capital for the Land Mortgage Banks. But if the Certificate Procedure is provided for the recovery of dues owing to the Land Mortgage Banks Government could consider the question of guaranteeing the principal and interest to debenture holders! So, I submit, Sir, by passing this Act the Government will add another hand to the octopus of the Public Demands Recovery Act. It will create another very anomalous position, Sir. It is generally the law of the land that the mortgagor, judgment-debtor, first can compel the decree-holder to sell his mortgaged property. Now, if the Act comes into force it will take away that very valuable legal right of the mortgagor, because this particular Bill does not say whether a Certificate-holder will first sell the mortgaged property or the personal property of the judgment-debtor. It is generally considered that by Certificate Procedure they will proceed to the moveable property of the judgment-debtor first. If that is so, the agricultural judgment-debtor will be put in an awkward position. His whole property might have been mortgaged. He will have no

other means of raising money. If day after day or month after month by the help of this Certificate Procedure his moveables, his cattle, and his everything are sold he will be in a nice position, while this so-called Land Mortgage Banks, by the help of this Certificate Procedure, will sell his be-all and end-all. Therefore, Sir, for the agriculturist if he once falls within the clutches of these land mortgage banks, he will have no other alternative but to commit suicide for the so-called mercy which is being extended to him by the Hon'ble the Revenue Minister. Now, Sir, in my opinion this foreign Government of our did confer very few things which could prove beneficial to us. Among those things, this co-operative movement is one which could be utilized for the benefit of our agriculturists, but due to too much officialization and the rigours attending the collection of the dues by Government, the banks, and the societies have been declared by all to be a complete failure. Now, another branch to that department has been added; it is the department of land mortgage banks. If you extend certificate powers to that branch also, I am sure that it will be a complete failure, for the certificates issued under the Public Demands Recovery Act have practically ruined the tenantry of Bengal. In my opinion, Sir, this Co-operative Department should be the charity department of Government. Government have produced a penal budget this year. They have allotted more than half of the revenues of Bengal to Jails and Convicts Settlements and to General Administration, i.e., they have made arrangements for ruling us, and if we disobey they have made arrangements for arresting us and then sending us to jails or to the Andamans. But they have allotted, Sir, only Rs. 14,79,000 for the Co-operative Department, with which the lot of 4½ crores of peasants in this province is bound up. Therefore, I submit, that the intention of the Bill is not so much to benefit the agriculturists as to secure the money which Government will advance or the money which they will raise by debentures. This Act is intended wholly for the benefit of Government and for those people who can lend money, and not for the persons who will actually borrow money from the so-called land mortgage banks.

With these remarks, Sir, I appeal to the House to consider very carefully the situation that has been created by the introduction of this Bill. The House is composed mostly of representatives of the agriculturists of Bengal. The House knows full well the position of the agriculturists. Therefore again my humble appeal to the House is that before passing this obnoxious Bill it will be pleased to consider the position thrice, and if the members take it to their heart I hope they will be in a position to throw out the Bill at once.

Mr. J. W. CHIPPENDALE: Sir, I do not want to move the motion that stands in my name, which is that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June 1938.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, I beg to move the amendment that stands in my name, viz., that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th April, 1938.

Sir, in moving this motion I hope it will not be misinterpreted or misrepresented, as a similar motion was done last evening. Sir, a motion for circulation simply means a request for consultation of public opinion. It means nothing more and nothing less. Whether the motion is supported by a speech in opposition to the proposed legislative measure or not is quite immaterial. Unless persons hold different views, debatable questions certainly cannot arise and the public cannot be invited to express their opinion on those debatable issues.

Now, Sir, the proposal that is before us is to extend the provisions of the Bengal Public Demands Recovery Act in favour of land mortgage banks. The Hon'ble Minister in charge of the Bill, in making his introductory statement, confused two things—I mean the co-operative societies and the land mortgage banks—and when he was interrupted, he promptly withdrew the expression relating to co-operative societies. That means that this proposed Bill does not want to extend the provisions of the Public Demands Recovery Act, so far as co-operative societies are concerned. This Bill is meant only for helping the five land mortgage banks that have been established in Bengal up till now. This is the object of the legislative proposal before us.

Now, Sir, what are these land mortgage banks? Land mortgage banks are institutions which are intended to give long term loans to agriculturists. This institution of land mortgage banks was, of course, recommended by the Indian (Central) Banking Enquiry Committee. That Enquiry Committee considered all the aspects of a land mortgage bank, and when that Committee sat, Bengal had only two land mortgage banks, whereas, at that time, Madras had twelve, and the Punjab also had twelve such banks. Bengal had only two land mortgage banks then—one at Naogaon carried on under the inspiration of the ganja that is cultivated there, and another at Bhola which was working within a very narrow ambit.

Now, Sir, we have it from the Hon'ble Minister in charge that only five land mortgage banks have come into existence up till now, and we can presume that we have not yet got sufficient experience as to their working, their capability, and their difficulty. Again, this question of conferring summary powers on land mortgage banks was very thoroughly gone into by the Indian Banking Enquiry Committee. I am presently referring to the recommendations of the Central Banking Enquiry Committee on this point. I would refer to paragraph 225 of their Report in which they say: "We now come to consider the vexed question of whether the land mortgage banks should be vested with summary power

of recovery by foreclosure and sale without the intervention of civil courts. Most of the Provincial Committees are not in favour of granting this power to the bank. One of the reasons given for this attitude is that the loss to debtors which it might entail might prejudice the bank in the eyes of the public. The Bengal Provincial Banking Enquiry Committee consider that, apart from undue rigour to borrowers, the proposal would lead to laxity on the part of the management of the banks in scrutinizing the security offered for loans and to carelessness in fixing the amount of the loan itself. In their opinion, consistent good management and proper fixing of the period of the loans would enable the land mortgage banks to avoid litigation."

That is how they summarised the recommendations of the Provincial Banking Enquiry Committee, but, Sir, they were of the opinion that some summary powers should be given to land mortgage banks, and so they further recommended: "This power is necessary to make the debentures a popular and liquid form of security, and until it is given, the attempt of the mortgage banks to derive their working capital by debenture issues will not meet with success .. .." But they continue and conclude: "At the same time, we recognize that the right of the aggrieved party to question in the civil courts the action of the bank should be fully safeguarded We further recognize that provision should also be made to safeguard properly the interest of the mortgagor and not to contravene the provisions of the Civil Procedure Code in regard to the sales of mortgaged property. We, therefore, definitely recommend that the power of foreclosure and sale by the land mortgage bank without recourse to civil courts should be given to the land mortgage bank subject to the above safeguards. We do not attach much importance to the suggestions that such a power would weaken the responsibility of the management or make the mortgage banks unpopular with the public. In some countries foreclosure is not permitted unless the outstanding debt bears a substantial proportion to the value of the mortgaged property. We consider that this salutary safeguard should also be included in any legislation in connection with co-operative land mortgage banks in India."

Now, Sir, where is that contemplated legislation? Who will bring forward that legislation which must be something other than the Public Demands Recovery Act? Certainly it cannot be expected from the present Ministry which suffer so much from poverty of intellect. They have found a very handy weapon in the certificate procedure. On the one hand they propose to suspend the operation of the Public Demands Recovery Act in other matters and on the other, they propose to extend it in favour of the land mortgage banks without making any provision for the safeguards which the Central Banking Enquiry Committee proposed. Perhaps the Hon'ble Minister in charge of the Bill was not aware of these recommendations of the Central

Banking Enquiry Committee. Had he been aware of these recommendations, certainly he would not have come forward to place such a measure before the House.

Now, Sir, if for one moment we consider what is expected of the land mortgage banks you will find that there can be no urgent necessity of enacting such a measure at all, for land mortgage banks offering long-term credits cannot be in so much necessity of a summary method of realising their dues as the co-operative banks may be. So far as we know, the co-operative banks have not yet been given that power and yet it is proposed that land mortgage banks should be invested with summary powers without making any provision for those essential safeguards which the Central Banking Enquiry Committee recommended. As regards repayment of loans due to land mortgage banks the Central Banking Enquiry Committee indicated that the best method could be in the following terms. They said: "We recommend that the payment of loans should be by a system of equated payments, thereby amortising the loan at the end of a period of years". So if there be any real wish to advance the cause of the agriculturists, certainly this system of amortisation should be taken up and there can be no immediate necessity for conferring the powers given by the Bengal Public Demands Recovery Act. With these words I commend my motion to the acceptance of the house.

The House was then adjourned for 20 minutes.

(After adjournment.)

Kazi EMDADUL HAQUE: The unsympathetic attitude of Government ever since the inauguration of the so-called reforms has convinced me beyond a shadow of doubt that this Government have outheroded Herod in their tyranny and oppression. This Government by their continued oppression have given ample proof of this and it was more pertinently shown yesterday when they came forward with the motion for giving a new life to the four obnoxious and oppressive laws which were about to be defunct and dead on the plea that money was necessary to make provision for the so-called free and compulsory primary education. The Hon'ble the Home Minister made it known to the House in his observation that this Government were not responsible for the four repressive laws. They were the creation of the previous Government and so they had nothing to do with their repressive character. They were merely asking for the continuation of them. I do not understand the nicety of difference between these two things. Whether they come forward with a new oppressive measure or ask that an old oppressive measure which is about to be defunct and dead be continued makes no difference whatsoever, and the plea that money was needed for giving effect to the popular demands

for primary education is not tenable for while is available is available to Government for building palatial building for the Upper Chamber of this House, and for a purdah college for half a dozen girl students and also for deputing three officers of the Education Department to foreign countries as well as for spending after undesirable propaganda officers and also after the Hon'ble Ministers to enable them to make extensive tour in the country side ostensibly with the object of getting first hand information about the condition of the people——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I rise on a point of order. Are these very relevant to the motion before the House?

Mr. SYED JALALUDDIN HASHEMY: This is the introduction.

Kazi EMDADUL HAQUE: This is by way of introduction. The Finance Minister also observed that there need be no fear that the four oppressive laws which were of a temporary nature were going to be made permanent. He said that we have entirely misunderstood the intention of Government. He assured us that if the Government found that these taxes weighed heavily upon the poor tenants, they would certainly try to repeal or do away with them. But may I ask who is the person who will weigh or determine whether they weigh heavily upon the tenants? Certainly this Government—a Government which have no concern for the poor tenants in spite of the tall talk of bringing *dal bhat* to them, well, even to-day they are coming with another penal measure, namely, that Government should be armed with wider power for the realisation of dues from the debtors of the land mortgage banks. They have not yet enquired whether the debtors have at all failed to pay their dues. They have already started certain land mortgage banks, but they have not yet given any proof that the debtors have failed to pay their dues. They want to arm themselves yet because they know in the heart of hearts that the position of the tenantry in Bengal has not been improved an inch by this Government; on the contrary their position has been made much worse and will be made still much worse.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: How?

Kazi EMDADUL HAQUE: By your extravagance, you know that if the present state of things continues, the tenantry will not be in a position to pay their dues for surely they are unable to pay unless and until they get the due price for the commodities they produce and protect their earnings from the greedy eye of the Government. This is the apprehension in your mind and this is the reason why you want to arm yourselves beforehand. But, Sir, the time has not yet come when they can come forward with a demand like this. They

have not given a single instance where the poor debtors have failed to pay their arrear dues, and as such have made out no case for their demand; but I think the method of spending money which is being used by the present Government in a most callous way and the taxation measures which are being reckless forged by Government will bring about a hasty ruin of the peasants. The demands will never be met, because Government will always be in need of money for building palatial houses where there is no necessity of any building whatsoever. Money will also be needed for extensive tour of Ministers in mufassil for propaganda work. So whatever money comes to the coffer of the Government will be misused, and they will go on taxing the people for money. The levy of fresh taxation will break the backbones of the poor people and no doubt they will not be in a position to pay their rents or debts in due time, and that is why Government urge that they should be armed with extraordinary powers. I think Government have already done immense mischief to the poor tenantry and they should take this warning that if they go on doing this sort of injustice in future, they will soon have to answer for their action before the masses who have sent them to this House. With these words I oppose the Government motion but support the circulation motion of my friends and colleagues.

Mr. NARENDRA NATH DAS GUPTA:

আজকে মন্ত্রী মহাশয় যে Bill উপস্থিত করেছেন সেই Bill টী দেখে একটা প্রাচীন গল্পের কথা মনে প'ড়ছে। একদিন, একজন চোর যখন চুরি কোরে পালাচ্ছিলো তখন বহু লোক তাড়া কোরে তাকে ধরে। এবং ধরার পর খুব জোরে মারধোর কোরতে আরম্ভ করে। বিপদে পড়ে সেই চোর যখন চারদিকে তাকালো তখন দেখ্‌তে পেলো যে এক বৃদ্ধ মালা জপ কোর্‌তে কোর্‌তে সেই দিকে আস্‌ছে। চোর দেখ্‌তে পেলো যে বৃদ্ধটী বৈষ্ণব, সুতরাং যদি এর কাছে দয়া ভিক্ষা করা যায় তাহলে এ হয়তো বাঁচাতে পারে; তাই সে অম্নি বোলে উঠ্‌লো—আমি অত্যন্ত আর্ত্ত, বিপন্ন, আমাকে রক্ষা কর। দোহাই বাবা, আমাকে রক্ষা কর। বৃদ্ধও অম্নি বলে উঠ্‌লো—ভয় নাই, তোমাকে রক্ষা কোরছি। তারপর সেই বৈষ্ণব লোকদের বল্লো—ওগো তোমরা ওকে মেরো না, মেরো না; মেরে অনর্থক জীব হিংসা কোরো না, বরং ভালো কোরে হাতায় বেঁধে ওকে নদীর মধ্যে ফেলে দাও। আজ গভর্ণমেণ্টের এ বিলে আমাদের সেই কথাই মনে পড়েছে। যখন বাংলার প্রজাকুল হাহাকার কোরে কাঁদছে, তখন আমাদের সদাশয় বৈষ্ণব গভর্ণমেণ্ট, প্রজাবন্ধু গভর্ণমেণ্ট বোলছেন—ভয় নাই প্রজাকুল, আমরা আইন কোরে তোমাদের রক্ষা করবো। তোমাদের জমিদারের হাত থেকে, এবং মহাজনের হাত থেকে রক্ষা করার জন্য আমরা আইন কোরেছি, কিন্তু আমরা আইন কোরছি, তোমাদের নদীর অথৈ জলে ডোবাবার জন্য।

আজ Certificate এর বিরুদ্ধে সমগ্র বাংলার জনমত, যে Certificate এর বিরুদ্ধে আমাদের সমস্ত পার্টির মেম্বরদের থেকে প্রতিবাদধ্বনি উত্থিত হয়েছে, সদাশয় প্রজাবন্ধু গভর্ণমেণ্ট সেই Certificate কে শুধু যে বজায় রাখছেন তাই নয়, যেখানে সেটার প্রয়োগ ছিলো না সেখানেও প্রয়োগ কোরছেন। যেখানে প্রজার একটা বাঁচবার পথ ছিল, সেখানে সেটাকে রুদ্ধ কোরছেন। বিলেতে একজন যুবক, তার মাতা যখন পীড়িত ছিল, তখন তাকে, কষ্টের হাত

থেকে রক্ষা করবার জন্য, পুঁজি করে মেরেছিলো, ঠিক সেই ভাবে বাংলার প্রজাকুল নানা দিক দিয়ে ক্লিষ্ট ও পীড়িত হয়ে পড়েছে, গভর্ণমেণ্ট তাদের অসহ্য ক্লেশ যাতে চিরতরে লাঘব হয়—(Laughter and voices.)— যখন রোম পোড়ে নীরো তখন নৃত্য ক'রে, আর বীণা বাজায়। কাজেই ও'রা যে হাসবেন তার মধ্যে আশ্চর্য্য কিছুই নাই।

এখন কথা হচ্ছে গভর্ণমেণ্ট যদি প্রকৃতই প্রজাকুলের উপকার ক'রতে চান, তাহলে আরো অল্প সুদে টাকা দিয়ে তাদের সে উপকার ক'রতে পারেন। আপনারা এখনি আরো অল্প সুদে টাকা দিন্ না। Certificate এর কোনই দরকার হবে না। বাংলার প্রজা, বাংলার জনসাধারণ কখনই দেনা রেখে মোরতে চায় না। একথা আমরা পরিষ্কার জানি। আমরা জানি পল্লীগ্রামে বিনা খতে লেখাপড়া না জানা মূর্খ প্রজারা লক্ষ লক্ষ টাকা ক'র্জ নেয় এবং অধিকাংশ স্থলেই সে টাকা শোধ করে। দুই একটা জায়গায় কেবল অন্য রকম নিদর্শন পাওয়া যায়। বাংলার প্রজাকুল মনে করে—দেনা রেখে মরা পাপ। সেই বোধ থেকে তারা মরবার আগে দেনা শোধ ক'রে ম'রতে চায়। তাই আজ যদি তাদের সুদ কমিয়ে দেওয়া যায়, যদি নামমাত্র সুদে পর্য্যবসিত করা যায়, তাহলে তারা অবলীলাক্রমে দেনা শোধ দেবে। আমি মন্ত্রী মহাশয়কে বোলছি—যখন পটুয়াখালিতে অল্প সুদে টাকা ধার দেওয়া হয়েছিল, তখন তাদের জিজ্ঞাসা ক'রেছিলাম—"তোমরা এ টাকা শোধ দেবে না?" তারা বলেছিলো—"এত অল্প সুদের টাকা এ শোধ দিতে আর কষ্ট কি? শীগ্‌গিরই দিয়ে ফেলবো।" আসলে, তারা দিতে পারে না জন্যে দেয় না, তাদের এ মতলব নয় যে তারা দেবে না। আপনারা Certificate এর আইন না কোরে এই আইন করুন যাতে Land Mortgage Bank খুব অল্প সুদে টাকা দিতে বাধ্য হবে। তা না করে Certificate এর আইন কোরলে প্রজাদের—সেই বৃদ্ধ বৈষ্ণবের মতন ছালায় বেঁধে নদীতে ফেলার ন্যায় ব্যবস্থা হবে।

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir. May I speak a few words, Sir, as there are certain aspects of the question which have not been discussed yet?

Mr. SPEAKER: I think this motion has been sufficiently discussed, and I was just going to ask the Hon'ble Chief Minister to speak. But I hope you will be very brief.

Dr. NALINAKSHA SANYAL: All right ,Sir. I rise to support the motion for circulation. At first I really had—I must honestly admit—a feeling of diffidence with regard to this motion. I felt that probably the Hon'ble the Revenue Minister, who is fathering this Bill, although the money really does not belong to his department—I thought at first that he was anxious to help to build up credit facilities in the rural areas. I have since examined the propositions in some detail and I find that his proposition neither helps the peasantry nor does it really help to make for the creation of healthy land mortgage banks for which there might be made out a case. In the Administration Report

of the Department of Co-operative and Rural Credit, the latest of which is available—for the year ending June 1936, the draw-backs of these land mortgage banks have been stated, as the department has reviewed it, to be the following: "The main reasons for the slow progress of events are: (*a*) high lending rate, (*b*) continuance of the economic depression, (*c*) unwillingness of co-sharers to join in executing mortgage bonds, (*d*) inability to produce sureties by applicants, and (*e*) introduction of the Bengal Agricultural Debtors Act. In this list of draw-backs there are some items which at the present moment are non-existent, for example, economic depression; and in that Report itself it is stated that since writing the Report the Land Mortgage Banks have had better collections and some members paid in excess of the instalments due from them. The dues of the Bengal Provincial Co-operative Bank were also regularly paid and there was no default. The total value of the property secured by the mortgagees was nearly 67 per cent. in excess of the value of the loans given. These being the features of the working of the land mortgage banks, one has to pause and think how is it that Government is coming forward with a proposal of this nature which is admittedly detested by every section of this House.

The Hon'ble Mr. A. K. FAZLUL HUQ: Every section!

Dr. NALINAKSHA SANYAL: Yes, by every section of this House. It appears that the failure of the land mortgage banks, if failure it can be called, has been due more to the non-economic and non-commercial character of the composition and constitution of the banks than to the reasons put forward now with regard to the difficulties of realisation. The Report says that there are no difficulties about realisation; I find that these banks—though there are only 5 such banks which have been so far constituted—have to depend mainly on funds advanced them by the Bengal Provincial Co-operative Bank. The working capital of these 5 banks was at the end of June 1936 only 2 lakhs, out of which the share capital paid up was only Rs. 17,750. The bulk of the money therefore came from the Provincial Co-operative Bank. The rate of interest was inordinately high, checking the progress, and it was one of the points that were specifically pointed out in this Report itself. The rate was 9¾ per cent. It was not at all possible for any bank that could not give a loan to the agriculturists at anything less than 10 per cent. to function properly in the rural areas under the circumstances prevailing. There is also the fact that these 5 land mortgage banks have an entirely nominated Board of Directors. Sir, when you have a nominated Board of Directors you can quite easily understand how commercially capable men may be nominated to function on these boards. There are all sorts of considerations made in selecting the members of the Board of Directors, and the District Magistrate of the different places happen to be the ex-officio chairmen of these land mortgage banks.

The result is the whole land mortgage bank scheme has collapsed, because it has been a machinery of patronage. As a machinery of patronage, the public have not had any credence given to these banks. They have not given a single farthing in its funds. They could not possibly believe in their debentures nor did these banks obtain any deposits. The position, therefore, is this—if you want rural credit arrangements to be made, work these banks as commercial banks and do not shilly-shally with the problem merely by giving more powers to them where they do not need any. The realisations are good—admittedly the realisations have been fairly well—and no case is made out for drastic measures for facilitating realisations.

So much with regard to the drawbacks of the banks. Now, the defects that are likely to arise from the proposition that is before us, viz., the certificate procedure of collection for these classes of banks—are manifold. In the first place there are the ordinary drawbacks of compulsory collection, as my hon'ble friend Mr. Rai Chaudhury has stated. These will lead to a very much irresponsible examination of the assets of borrowers and there might be as a consequence a relaxed examination of the powers of repayment. In the second place, Sir, when we do not have freedom of action in baking, when we have this meticulous law to protect collection with regard to one class of banks alone, whereas in rural areas we need the co-operation of a very large number of credit institutions to help agriculturists in obtaining their necessary credit, it would be creating an invidious distinction in favour of a class of banks. The other non-official credit institutions will then necessarily be shy. And what would be the result? The whole effect of this will be that you will make rural credit more and more difficult to obtain and you will not be in a position to give that relief to the agriculturists in the rural areas which is so much needed now. It might be said by some enthusiasts of the land mortgage banks that in future when we will have a very large network of banks in all the rural areas patronised by Government, the position might be changed. But what is the position to-day? To-day the position is that we have so far, in the year 1936, only Rs. 1,90,000 given out in loans by these land mortgage banks. Just imagine only one lakh and ninety thousand given out in loans in a country where you have crores and crores of rupees required by the agriculturists. These banks have come forward with a proposal to give one lakh and ninety thousand to agriculturists to relieve the peasantry. Now, if that is the position, I submit that they do not constitute even an infinitesimal proportion in the total credit system in the rural areas of the country. To give relief to this small institution you are going to enact a law which will jeopardise the healthy development of credit in all the other spheres. Is that politics, is that economics and is that in any way justifiable—may I

ask, Sir? On this ground alone, on account of the non-commercial character of this Bill, I submit that this House should with one voice reject the proposal now made before us.

There is also another aspect of the question that has to be examined. With regard to the land mortgage banks, you know, Sir,—and I appeal to the hon'ble members to realise—that whenever there is a mortgage —there are eminent lawyers in this House who are more capable of examining the real effect of the mortgage than my humble self with my little study of law—equity plays a very important part in deciding the amount that a mortgagee has to pay. In the case of the land mortgage banks, under ordinary course, the court will exercise a very healthy check by an equitable examination of the demands of a land mortgage bank; whereas if you have the certificate procedure put through, there would be no officer, no agency and no machinery to examine whether the demands made have been equitable or not. Equity is the principle that has a very important consideration in every mortgage and if you to-day take away the possibility of equitably examining a loan that is taken out on mortgage, I submit, Sir, you will create a very dangerous precedent.

There is yet another aspect of the question. You perhaps know more than I do, Sir, that so far as the certificate procedure goes, the expenses may in some respects be slightly less, but there will be other rigours that will in no way minimise the effect of a little more expenditure in the courts. In the courts when you have an examination of a loan, there are possibilities of a reduction of the loan; in the case of a certificate procedure there will be no such proposition, and no such possibility whatever.

With these remarks, Sir, I submit that there should be no permission given to the Hon'ble Minister to proceed with the second stage of the Bill and the Bill may now be sent back for eliciting public opinion as my friends, Mr. Rai Chowdhury and Mr. Abu Hossain Sarkar have proposed.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, it is well known that lunatics consider themselves to be the sanest of men, and imbeciles think, they are the wisest of mankind, and I am not surprised that some members of the Opposition complained of the poverty of intellect of Ministers. But it is not the poverty of intellect of Ministers but the sommersault through which the Opposition has been passing during the last few days that is creating a great confusion. Yesterday they were against sending the Bill for circulation, to-day they are all for circulation. Yesterday they were for considered action, to-day they are for dilatory tactics—it betrays the mentality of the Opposition and the poverty of intellect of those who oppose the Bill, have formed the Opposition.

Now, Sir, attempts have been made to cloud the issues. These land mortgage banks are not meant for the rich, they are meant to provide money to poor tenants in the mufassil—

Dr. NALINAKSHA SANYAL: May I point out that there is a zamindar who has been given a loan in June 1936?

The Hon'ble Mr. A. K. FAZLUL HUQ: He might be a zamindar, perhaps with occupancy holding.

The whole point is that attempts should be made by which the land mortgage banks may attract capital at low rates of interest, so that they may lend out at low rates of interest. That is the whole proposition. The consensus of opinion of those who are in a position to give expert opinion is in favour of the proposal which has just been made by Government—

Rai HARENDRA NATH CHAUDHURI: Accept the recommendations of the Banking Enquiry Committee.

The Hon'ble Mr. A. K. FAZLUL HUQ: Read the Report, and if you understand English you will understand the whole proposition. I am not going to argue further with people who will not understand.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Mr. Speaker, Sir, at the outset I regret to observe that some of the honourable members who spoke before me went outside the motion before the House—

Rai HARENDRA NATH CHAUDHURI: And the Chief Minister mainly.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I say, some; and they spoke of everything but the necessity, the justification of the motion for circulating this Bill for eliciting public opinion. Sir, this Bill has been before the public at least since July last, when Government published it in the Calcutta Gazette. Since then they circulated a memorandum to the honourable members of this House and of the Bengal Legislative Council stating their views on the justification of this measure—

Dr. NALINAKSHA SANYAL: We are not convinced.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: And the Government have already received the opinion of a large number of members of this subject. Many of the honourable members have supported the proposal of Government—

Rai HARENDRA NATH CHAUDHURI: Many have not.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is only natural that many will not. What is the object of this Bill. As my Hon'ble Leader the Chief Minister has made it abundantly clear, the main object of this Bill is to secure money at a low rate of interest to offer sufficient credit facilities to the agriculturists. Without the Government guarantee regarding the debentures of the land mortgage banks, these banks have got to borrow money at a high rate of interest, namely, at 5 per cent. So it is not possible for these banks to advance money to the agriculturist at anything less than 7 to 8 per cent. If Government are in a position to guarantee the interest which they propose to do, there is every chance of these banks securing money at 3 per cent.

Dr. NALINAKSHA SANYAL: How much?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: At 3 per cent. (Question.)

Dr. NALINAKSHA SANYAL: Impossible, 3 per cent. what about the margin?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I hope the hon'ble member will not disturb me.

Dr. NALINAKSHA SANYAL: If you give wrong figures, certainly I will disturb.

Mr. SPEAKER: Dr Sanyal, your figures may be perfectly right, and I quite appreciate your anxiety to see that correct figures are given, but I hope you will realize yourself in your calmer moods that these interruptions do not help. I can quite appreciate your point, and I know the facts and figures myself which you want to point out, but I do not think this is an occasion on which you can interrupt.

Dr. NALINAKSHA SANYAL: On a point of personal explanation, Sir. On page 7 of the report it is stated that the provincial bank will charge ¼ per cent. over and above the rates payable for the debentures, and the land mortgage banks have decided to charge an extra 3·22 per cent. The total comes up 3 plus 1 that is 4,5·17 per cent. that will be the margin. They say they can get money at 3 per cent. It is impossible—

Mr. SPEAKER: I am afriad, you are labouring under a misapprehension that it is like the laws of Medes which will be never changed. After Government has made a statement, the figures may be changed. You are assuming that the matter has been decided forever, but it is only an action which Government contemplates.

Dr. NALINAKSHA SANYAL: It is misguiding, Sir.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I will not emulate my hon'ble friend and try to reply to him, but I will go on with my argument. Sir, if Government are allowed to guarantee the rate of interest of these land mortgage banks, I can assure the House that there is every chance in spite of what has been said by Dr. Sanyal that these land mortgage banks will be able to secure money at 3 per cent. so that they will be in a position to advance money to the agriculturists at a considerably lower rate of interest than at which they are now advancing money to them. Sir, in other provinces, in Bombay, in Madras and in United Provinces the Government have been invested with powers under the Public Demands Recovery Act and under special legislation for realizing the dues of the land mortgage banks. In Madras, speaking from memory, they have been able to invest about a crore and half in land mortgage banks. There is no reason, Sir, that, if we can encourage the debenture holders to come forward and invest money in the debentures, why similar amount or even larger amount will not be invested even in this Province. That is certainly one of the surest means of improving the credit facilities of the agriculturists, and of improving their economic condition.

Now, Mr. Rai Harendranath Chaudhury read out with great flourish certain passages from the report of the Indian Central Banking Enquiry Committee, and his argument was that the Banking Enquiry Committee was not in favour of giving special summary powers for the realization of the dues of the land mortgage banks. Sir, I regret to observe that my hon'ble friend did not read out the passage where they clearly say "we consider this question of fundamental importance referring to the special legislation of Madras".

Rai HARENDRA NATH CHAUDHURI: Go on, please don't omit.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am going on. "We consider that this question is of fundamental importance in the absence of special legislation. The primary land mortgage bank will have to institute a suit in the civil courts for the recovery of the debt or it may institute it before an arbitrator appointed by the Registrar of Co-operative Societies. The elaborate provisions (these are the most important points) of the Transfer of Property Act and the Civil Procedure will have to be invoked for obtaining and executing mortgage decrees by the co-operative land mortgage banks, and the time and the cost involved in the process will considerably hamper the operations of these banks and will react adversely on the market for the debentures issued by them."

Rai HARENDRA NATH CHAUDHURI: Don't stop there. Please continue your quotation. I challenge you to continue the quotation. You are deluding the House.

Mr. SPEAKER: Mr. Rai Chowdhuri, *I do not think there is any* law either in you or in me by which you can force a speaker to read extracts suitable to the wishes of others. While I will allow you full opportunity on an occasion which might arise later on to refute the point, for the time being I hope neither you nor anybody on my right or on my left has any occasion to get excited and put forth challenges. To quote a well-known expression, challenges are very serious things.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, my hon'ble friend wants me to continue, and out of deference to his wishes I do continue. "Sir, in view of these reasons the Townshend Committee on co-operation in Madras recommended in accordance with the precedent in other countries that the land mortgage banks should have the power of bringing mortgaged properties of defaulting mortgagors to sale without resort to civil courts. This power is necessary to make debentures popular and liquid form of security." That is what they say.

Rai HARENDRA NATH CHAUDHURI: Then, why do you stop there. Please go on.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I cannot go on reading the whole book, Sir.

Rai HARENDRA NATH CHAUDHURI: Simply because you will not read the conclusion. You are avoiding that conclusion deliberately.

(There were noises on all sides of the House.)

Mr. SPEAKER: I think it will be impossible for any member to hear a speech if there is so much humming noise on all sides.

Mr. SANTOSH KUMAR BASU: They are thriving on bluff and bluster.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think that the land mortgage banks should be in a position to advance money at a low rate of interest is the conclusive reply to one of the arguments advanced by Dr. Sanyal. His point was that only one lakh and 90 thousand rupees was made available to the agriculturists. That is

exactly the reason why we want to guarantee the interest so that more money may be invested and more money may be available to the agriculturists.

Mr. M. SHAMSUDDIN AHMED: Why certificate procedure, that is the only question.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the justification of certificate procedure is this that the borrowers who are in a position to pay but who are unwilling to pay can be compelled to pay to the relief of other borrowers. That is the main justification for taking special powers. Sir, I shall quote a passage out of the Special Legislation of Madras. Sir, here it is mentioned "if any instalments payable under a Mortgage executed in favour of the Mortgage Bank, or any part of such instalments, remain unpaid for more than a month from the date on which it fell due, the Committee may undertake any other remedy available to the bank through the Registrar, or any person appointed by the local Government under section 3 of the Madras Co-operative Societies Act to assist the Registrar for the recovery of such instalments or any part of them by restraint and sale of the produce of the mortgaged land including the standing crops thereon."

By taking steps under the Public Demands Recovery Act the Land Mortgage Banks will be in a position to realise the amount by attaching standing crops if necessary, and that will cause the least hardship to the defaulting borrower. Certainly it is neither in his interest nor in the interest of the Bank itself to sell the land, because if the land is sold, then the Bank loses its security. If the land is sold, the borrower loses probably all his immoveable property. For default of a small instalment it is not desirable for the Bank to bring the holding to sale, and that is one of the reasons why the Bank will have to proceed against other properties under section 14 of the Bengal Public Demands Recovery Act. So I think on these grounds there are sufficient justification for asking for the special powers, and I can assure the House that the powers will be used with absolute moderation only in those cases where they will be necessary, and people unable to pay will be treated sympathetically. People who are in a position to pay and who have been paying will have nothing to fear. People who are not in a position to pay will be treated sympathetically, but people who are in a position to pay but are not paying will have to be compelled to pay.

Mr. SPEAKER: Order please. The question before the House is the motion of Maulvi Abu Hossain Sarker to move by way of amendment that the Bengal Public Demands Recovery (Amendment) Bill, 1937, be circulated for the purpose of eliciting opinion thereon by the 31st July, 1938.

The motion being put, a division was taken with the following result:—

AYES.

Abdul Hakim, Maulvi.
Abdul Jabbar Patwari, Mr. Md.
Abdul Majid, Maulvi.
Abdul Wahed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Banerjee, Dr. Suresh Chandra.
Banerjee, Mr. Pramatha Nath.
Banerjee, Mr. Sibnath.
Bannerjee, Mr. Manoranjan.
Barman, Babu Shyam Prasad.
Basu, Mr. Santosh Kumar.
Bhaumik, Dr. Gobinda Chandra.
Biswas, Mr. Rasik Lal.
Biswas, Mr. Surendra Nath.
Bose, Mr. Sarat Chandra.
Chakrabarty, Mr. Narendra Narayan.
Chakrabarty, Mr. Jatindra Nath.
Chattopadhyay, Mr. Haripada.
Chaudhuri, Rai Harendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Das Gupta, Babu Khagendra Nath.
Das Gupta, Mr. Narendra Nath.
Datta, Mr. Dhirendra Nath.
Deiui, Mr. Harendra.
Dutta, Mr. Sukumar.
Emdadul Haque, Kazi.
Ghose, Mr. Atul Krishna.
Giasuddin Ahmed, Mr.
Goswami, Mr. Tulsi Chandra.
Gupta, Mr. Jogesh Chandra.
Gupta, Mr. J. N.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Kazem Ali Mirza, Sahibzada Kawas Jah Syed.
Khan, Mr. Debendra Lall.
Kumar, Mr. Atul Chandra.
Kundu, Mr. Nishitha Nath.
Maiti, Mr. Nikunja Behari.
Maitra, Mr. Surendra Mohan.
Maji, Adwaita Kumar.
Majumdar, Mrs. Hemaprova.
Mazumdar, Mr. Birendra Nath.
Maniruzzaman Islamabadi, Maulana Md.
Maqbul Hosain, Mr.
Mukerji, Mr. Dhirendra Narayan.
Mukherjee, Mr. B.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Pain, Mr. Barada Prosanna.
Ramizuddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamakrishna.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sanyal, Dr. Nalinaksha.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Maniudra Bhusan.
Sur, Mr. Narendra Kumar.
Thakur, Mr. Pramatha Ranjan.
Yousuf Mirza.
Zaman, Mr. A. M. A.

NOES.

Abdul Aziz, Maulana Md.
Abdul Hafiz Mia, Mr.
Abdul Hamid, Mr. A. M.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rauf, Khan Sahib Maulvi, S.
Abdur Rauf, Mr. Shah.
Abdus Shahood, Maulvi Md.
Abul Hossain, Mr. Ahmed.
Aftab Hossain Joordar, Maulvi.
Afzaluddin Ahmed, Khan Bahadur.
Amir Ali, Md. Mia.
Anderson, Mr. J. P.
Ashrafali, Mr. M.
Asiad Hossain Khan, Maulvi.
Bannerman, Mr. H. C.
Barat Ali, Mr. Md.
Barma, Mr. Puspajit.
Barman, Mr. Upendra Nath.
Brasher, Mr. F. C.
Campbell, Sir George, Kt.
Crossfield, Mr. L. M.
Das, Mr. Anukul Chandra.
Das, Mr. Manmohan.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam, Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlur Rahman, Mr.
Ferguson, Mr. R. M.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hashem Ali Khan, Khan Bahadur.
Hasina Murshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Hirtzel, Mr. M. A. P.
Homan, Mr. F. T.
Ispahani, Mr. M. A. M.
Jalaluddin Ahmed, Khan Bahadur.
Jasimuddin Ahmed, Mr.
Kennedy, Mr. I. G.

Khaitan, Mr. Debi Prasad.
Maqsuddin Choudhury, Maulvi.
Mallik, Maharaja Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur.
Mandal, Mr. Banku Behari.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Manirudzin Akhand, Maulvi.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Solaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Putic Behary.
Musharruff Hossain, the Hon'ble Nawab, Khan Bahadur.
Nandy, the Hon'ble Maharaja Srie Chandra, of Kasimbazar.
Nasarullah, Nawabzada K.
Nausher Ali, the Hon'ble Mr. Syed.
Nazimuddin, the Hon'ble Khwaja, Sir.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikat, the Hon'ble Mr. Prasanna Deb.
Ray Chaudhury, Mr. Birendra Kishore.
Rees, Mr. J. B.
Roy, Mr. Patiram.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Dhananjoy.
Sadaruddin Ahmed, Mr.
Salim, Mr. S. A.
Sanaullah, Al-Haj Maulana Dr.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. M.
Sen, Rai Bahadur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khandkar, Mr.
Singha, Mr. Kshetra Nath.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tamizuddin Khan, Maulvi.
Tofel Ahmed Choudhury, Maulvi Haji.
Waliur Rahman, Maulvi.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Wordsworth, Mr. W. C.
Zahur Ahmed Choudhury, Maulvi.

The Ayes being 66 and Noes 98, the motion was lost.

Mr. SPEAKER: The question before the House is the amendment of Rai Harendra Nath Chaudhuri, by which he seeks to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 30th April, 1938.

Rai HARENDRA NATH CHAUDHURI: Sir, I beg to submit that this amendment of mine need not be put to the House inasmuch as it is covered by the amendment of Maulvi Abu Hossain Sarker which sought that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July 1938.

Mr. SPEAKER: I am afraid I must put it to the vote. My difficulty is that I cannot abstain from putting any amendment to the vote unless it is withdrawn. Do you want to withdraw it?

Rai HARENDRA NATH CHAUDHURI: No, Sir.

The amendment of Rai Harendra Nath Chaudhuri was then put and lost.

The motion that the Bengal Public Demands Recovery (Amendment) Bill, 1937, be taken into consideration was put and agreed to.

Clause 1.

Mr. SPEAKER: The question before the House is that clause 1 stand part of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have a formal amendment which seeks to modify the year, i.e., I want the figure "1937" to be substituted by the figure "1938". May I have your permission to move this formal amendment before you put Clause 1 to vote?

Mr. SPEAKER: Yes, you can move it.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that in Clause 1 for the figure "1937" the figure "1938" be substituted.

The motion that in clause 1 for the figure "1937" the figure "1938" be substituted was put and agreed to.

The motion that Clause 1, as amended, stand part of the Bill was put and agreed to.

Clauses 2 and 3.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move the two amendments that stand in my name, namely, that clause 2 be omitted, and also that clause 3 be omitted.

Sir, I will not inflict any speech on this House, but I shall only say that it is impossible to save one who is determined to be drowned. Nobody has the power to save him.

With these few words, Sir, I commend my amendments for the acceptance of the House.

Rai HARENDRA NATH CHAUDHURI: Mr. Speaker, Sir, I beg formally to move that in clause 2, line 5, the following words be deleted: "or an assignee of such bank", and also that from clause 3, lines 2 and 3, of the proposed new Article 12B, the following words be deleted: "or any sum due to an assignee of such bank."

Sir, I shall content myself with only one observation, and that is that if there be any justification for conferring this certificate power on land mortgage banks, there is absolutely no justification for conferring any such power on the assignee of a land mortgage bank.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg formally to oppose the amendments moved by Mr. Dhirendra Nath Datta.

Turning to the amendments of Rai Harendra Nath Chaudhuri, I am afraid that my hon'ble friend is labouring under a misapprehension. Here, by the word "assignee" it is never meant that any private individual should be made the assignee. A private individual will never be the assignee. It is only the Central Bank or any other land mortgage bank, which will be the assignee, and the ultimate

assignee will be the Registrar of Co-operative Societies as the trustee of the debentures. So, it is a very necessary clause, and there is absolutely no room for the apprehension of my hon'ble friend.

Clause 2.

The motion of Mr. Dhirendra Nath Datta that clause 2 be omitted was put and lost.

The motion of Rai Harendra Nath Chaudhuri that in clause 2, line 5, the following words be deleted: "or an assignee of such bank", was put and lost.

The motion that clause 2 stand part of the Bill was put and agreed to.

Clause 3.

The motion of Mr. Dhirendra Nath Datta that clause 3 be omitted was put and lost.

Mr. SPEAKER: The question before the House is that from clause 3, lines 2 and 3, of the proposed new article 12B——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: This is only a consequential change, and it, therefore, does not arise.

Mr. SPEAKER: Yes, this being a consequential change need not be put to vote.

The motion that clause 3 stand part of the Bill was put and agreed to.

Preamble.

The motion that the Preamble stand part of the Bill was put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bill, as settled in Assembly, be passed.

The motion that the Bengal Public Demands Recovery (Amendment) Bill, 1938, as settled in Assembly, be passed was put and agreed to.

Adjournment.

The House was then adjourned till 4 p.m. on Wednesday, the 9th March, 1938, at the Assembly House, Calcutta.

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